

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 June 2024

DOCKET NUMBER: AR20230012863

APPLICANT REQUESTS: correction of his brothers, the former service members (SM), DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show additional service credit.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Death
- Applicant's Letter
- Letter Orders D-07-5576, Headquarters, Third United States Army, Fort McPherson, GA
- DD Form 214
- Letter, Department of Veterans Affairs (VA), National Cemetery Administration
- Letter, National Personnel Records Center (NPRC)
- Public Law 117-103, (Burial Equity for Guards and Reserves Act)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states the SM's DD Form 214 shows he only completed 5 months and 1 day of active-duty service in a training status. However, he believes the SM served at least 18 months of active service at Fort Leonard Wood, MO, during the late 1960's. He is his brothers surviving relative and executor. He has been trying to have his brother's ashes interned in a National Cemetery in Bushnell, FL, since 2018. Two other family members are buried in this cemetery, and he wishes to be buried there also.
3. The SM's complete military records are not available to the Board for review. A fire destroyed approximately 18 million service members' records at the NPRC in 1973. It is believed that his records were lost or destroyed in that fire. However, there were

sufficient documents remaining in a reconstructed record for the Board to conduct a fair and impartial review of this case.

4. The SM's DD Form 4 (Enlistment Record) shows he enlisted in the USAR on 15 July 1966 for 6 years.

5. USAR Letter Order T-2-280, Headquarters IV United States Army Corps, Birmingham, AL, shows the SM was ordered to active duty for training (ACDUTRA) with a reporting date of 21 March 1967 for a period of 5 months. Additionally, this order shows the SM was assigned to "USATCI," Fort Leonard Wood MO, for basic training on 3 April 1967 with a follow-on assignment at the Defense Information School, Fort Benjamin Harrison, IN, for advance individual training in military occupational specialty (MOS) 71Q (Military Journalism) on 27 May 1967.

6. His DA Form 20 (Enlisted Qualification Record) confirms in part, he was assigned to:

- Basic training at Fort Leonard Wood, MO, from 21 March to 25 May 1967
- Basic Military Journalism School, at Fort Benjamin Harrison, IN, from 26 May to 6 August 1967
- The SM was released from ACDUTRA and returned to his Reserve unit on 7 August 1967

7. His DD Form 214 confirms on 7 August 1967, he was honorably released from active duty under the provisions of Army Regulation 635-200, due to completion of MOS training. He returned to the USAR to serve his remaining service obligation of 5 years. He completed 5 months and 1 day of total active service this period. He also had 8 months and 6 days of other service (USAR Service).

8. The SM's reconstructed record contains, and the applicant provided Letter Order D-07-5576 from Headquarters, Third United States Army, Fort McPherson, GA, subject: Discharge, showing the SM was honorably discharged from the USAR (Ready), effective 14 July 1972.

9. The applicant provided a:

a. The SM's Certificate of Death from the State of Texas showing the FSM died on 8 August 2018 and the applicant is the informant listed on this certificate.

b. Letter stating, he believes his brother was on active duty at Fort Leonard Wood more than 11 months. He requests that the Board please help him. He is trying to obtain benefits the FSM earned. His family members served during World War II, the Korean War, and during the Vietnam War.

c. Letter from the VA, National Cemetery Administration, advising the applicant his request [for burial of the SM in a National Cemetery] was denied because active duty for training with the U.S. Army Reserve (USAR) alone did not establish eligibility for burial in a VA National Cemetery.

d. Letter from NPRC providing the applicant the SM's DD Form 214 confirming the FSM's initial period of active duty for training and explaining that subsequent periods of active duty for training were less than 90 days, therefore, no additional separation documents were issued.

11. The applicant's submissions were provided to the Board in their entirety.

12. In regard to the applicant's request for a telephone/video appearance, Army Regulation 15-185, states an applicant is not entitled to a hearing before the Board; however, the request for a hearing may be authorized by a panel of the Board or by the Director of ABCMR.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The available evidence shows the SM served on active duty for training from 21 March to 7 August 1967. He completed 5 months and 1 day of active service and he was issued a DD Form 214. The Board found no evidence that he performed other active service of 90 or more continuous days in duration that would have required the issuance of a DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation 15-185 (ABCMR), paragraph 2-11, states applicants do not have a right to a formal hearing before the ABCMR. The Director of the ABCMR may grant a formal hearing whenever justice requires.
3. Army Regulation 635-5 (Separation Documents) establishes the standardized policy for preparing and distributing the DD Form 214. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear cut record of active-duty service at the time of release from active duty, retirement, or discharge. A DD Form 214 will be prepared for selected categories of military personnel including Reserve Component Soldiers completing 90 days or more of continuous active service for training, full-time National Guard Duty, active duty for special work, temporary tours of active duty, or Active Guard Reserve service.

//NOTHING FOLLOWS//