

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240002020

APPLICANT REQUESTS:

- promotion to the rank/grade:
 - master sergeant (MSG)/E-8
 - sergeant major (SGM)/E-9
 - back pay and allowances
- awarded the Man of Honor [sic]
- Silver Star
- Department of Veterans Affairs (VA) records correction to show:
 - removed from deceased category
 - educational benefits
 - reopen claims for VA compensation
- correct the difference between his enlistment date and discharge date

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

- DD Form 149 (Application for Correction of Military Record), 25 November 2023
- DD Form 149, 28 December 2022
- Self-authored statement
- Headquarters (HQs), 8th Infantry Division (ID) letter, Subject: Letter of Introduction and Recommendation
- HQs, 3rd Brigade and Lai Khe Base 1st ID letter, Subject: Letter of Commendation
- HQs, 1st ID General Orders Number 7088
- HQs, U.S. Army Support Command, Saigon letter, Subject: Letter of Appreciation
- HQs, U.S. Army Support Command, Saigon letter, Subject: Letter of Commendation
- DD Form 4 (Enlistment Contract – Armed Forces of the United States), 14 September 1970

- Walter Reed Army Medical Center (WRAMC) letter dated 2 February 1972, Subject: Letter of Appreciation
- HQs, WRAMC General Orders Number 68
- WRAMC certificate of performance for Black History Week 1974
- WRAMC letter dated 28 March 1974, Subject: Letter of Appreciation
- DA Form 2442 (Certificate of Achievement)
- WRAMC letter, Subject: Letter of Commendation
- Department of Veterans Administration (VA) letter dated 31 March 1978, reference death benefits
- VA letter dated 10 May 1978, reference widow's benefits
- Rabey Elementary School letter
- U.S. Army Recruiting Support Center, Cameron Station letter, 15 April 1980, Subject: Letter of Appreciation
- U.S. Army Recruiting Support Center, Cameron Station letter, 22 May 1980, Subject: Letter of Appreciation
- DA Form 87 (Certificate of Training) dated 1 April 1982 for Battalion Training Management System
- Chemical School certificate of completion for Chemical Operations Specialist – Transition Course
- DA Form 87 dated 5 May 1982 for Battalion Training Management System
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for service ending 30 April 1984
- VA letter dated 2 November 1984, reference claim for educational benefits
- Mississippi (MS) Driver License
- VA Form 21-0845 (Authorization to Disclose Personal Information to a Third Party) for C- T-
- VA Form 21-0845 for R- T-
- Academy of Health Sciences, U.S. Army certificate of completion
- Seven DA Forms 2166-4 (Enlisted Evaluation Report), page 2
- DA Form 2166-4 page 1
- Nine DA Form 2166-5A (Senior Enlisted Evaluation Report) page 1
- One DA Form 2166-5A page 2
- Photograph

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 he requests the correction of his service record to show he was promoted to the ranks/grades of MSG/E-8 and SGM/E-9 with corresponding pay and allowances. He was assigned to higher graded positions and held the responsibilities of higher grades which he held for 7-years. He also requests to be awarded the Man of Honor [sic] and the Silver Star.

a. He was promoted every three-years, up until his promotion to the rank/grade of sergeant first class (SFC)/E-7. During his service he rebuilt the recreation department, added golf, photography, and weight loss class as well as activities at WRAMC. He requests the promotions and entitlements he deserves for the work that he did in the Army. At a minimum, he requests to be advanced on the retired list to the highest grade held of SGM/E-9.

b. When he served in Vietnam, his unit was destroyed. Since then, the VA has him categorized as deceased. He requests his category to be corrected as he is not deceased and be granted his educational benefits and reopen his claims for VA compensation. Because his records show that he is deceased, he had been prevented from receiving his VA compensation for his multiple service connected health conditions.

3. The Army Review Boards Agency (ARBA) does not have purview over issues involving the VA and compensation. The Board will not consider the applicant's requests for correction or changes to his VA records.

4. A review of the applicant's service record shows:

a. On 14 March 1961, the applicant enlisted in the Regular Army (RA). His DA Form 2-1 (Personnel Qualification Record) shows in:

- Item 5 (Overseas Service) the applicant served in:
 - Germany during the period of 18 April 1963 through 31 March 1968
 - Germany during the period of 3 November 1964 through 20 February 1967
 - Vietnam during the period of 28 February 1968 through 27 February 1969
 - Hawaii during the period of 29 April 1974 through 26 February 1976
 - Germany during the period of 25 July 1982 through 23 July 1984
- Item 18 (Appointments and Reductions) the applicant was advanced or promoted to:
 - private (PV1), effective 14 March 1961
 - private (PV2), effective 14 July 1961
 - private first class, effective 16 November 1961

- specialist four (SP4), effective 11 July 1962
- sergeant (SGT), effective 25 February 1963
- staff sergeant effective (SSG), 1 June 1968
- SFC, effective 5 January 1972

- Item 27 (Remarks) states his Personnel Qualification Record was submitted on:
 - 26 July 1979 for the master sergeant (MSG)/E-8 Promotion Selection Board
 - 22 August 1980 for the MSG/E-8 Promotion Selection Board
 - 3 May 1983 for the MSG/E-8 Promotion Selection Board for sergeants major academy

- item 35 (Record of Assignments) the applicant was assigned on:
 - 6 October 1968 to 03Z5O (Recreation Supervisor) with the principal duty of Entertainment Specialist at the U.S. Army Support Command – Saigon, Vietnam
 - 27 March 1969 to 03Z5O with the principal duty of Recreation Supervisor at WRAMC, Washington DC
 - 30 April 1974 to 03Z5O with the principal duty Sports Noncommissioned Officer at Fort Shafter, HI
 - 31 December 1974 to 03Z5O with the principal duty of Recreation Supervisor at Fort Shafter, HI
 - 1 April 1976 to 03Z5O with the principal duty of Recreation Supervisor at Fort Shafter, HI
 - 7 July 1976 to 03Z5O with the principal duty of Recreation Supervisor at Fort Dix, NJ
 - 1 March 1977 to 03Z5O with the principal duty of Recreation Supervisor at Fort Dix, NJ

c. On 5 March 1964, the applicant extended his enlistment in the RA for one-month.

d. On 13 April 1964, the applicant was honorably discharged from the RA. DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows the applicant completed 3-years and 1-month of active service. It also shows in:

- Item 3a (Grade, Rate or Rank): SGT (Temporary (T))
- Item 3b (Date of Rank): 25 February 1963
- Item 32 (Remarks): item 3a: SP4 (Permanent (P)), appointment 11 July 1962

e. On 14 April 1964, the applicant reenlisted in the RA in the rank/grade of SP4/E-4 (P) and SGT/E-5 (T). DD Form 4 shows in item 32 (Prior Service) the applicant served during the period of 14 March 1961 through 13 April 1964 and was discharged at the rank/grade SGT/E-5.

f. On 6 April 1970, the applicant extended his enlistment in the RA for 5-months.

g. On 10 September 1970, Special Orders Number 205, issued by HQs, WRAMC, the applicant was discharged in the rank of SSG, effective 13 September 1970, for an immediate reenlistment.

h. On 13 September 1970, the applicant was honorably discharged from active duty. DD Form 214 shows the applicant completed 6-years and 5-months of active service. It also show in items:

- 5a (Grade, Rate or Rank): SSG
- 5b (Pay Grade): E-6
- 6 (Date of Rank): 1 June 1968
- 23a (Specialty): 03Z5O
- 30 (Remarks):
 - served in Vietnam during the period of 28 February 1968 through 27 February 1969
 - extended in the service for the convenience of the government

i. On 14 September 1970, the applicant reenlisted in the RA in MOS 03Z5O. DD Form 4 shows in item 49 (Prior Service), the applicant was discharged on 13 September 1970 in the rank of SSG.

j. On 11 September 1973, Special Orders Number 187, issued by HQs, WRAMC, the applicant was discharged from active duty in the rank of SFC, effective 11 September 1973, for an immediate reenlistment.

k. On 11 September 1973, the applicant was honorably discharged from active duty. DD Form 214 shows the applicant completed 2-years, 11-months, and 28-days of active service. It also shows in items:

- 5a: SFC
- 5b: E-7
- 6: 5 January 1972
- 23a: 03Z5O

l. On 12 September 1973, the applicant reenlisted in the RA in MOS 03Z5O.

DD Form 4 shows the applicant was discharged on 11 September 1973 in the rank of SFC.

m. On 25 November 1974, Special Orders Number 234, issued by HQs, U.S. Army Support Command, Hawaii, the applicant was discharged from active duty in the rank of SFC, effective 25 November 1974, for immediate reenlistment. It also shows the applicant's rank and date of rank as SFC – 5 January 1972.

n. On 25 November 1974, the applicant was honorably discharged from active duty for immediate reenlistment. DD Form 214 (Report of Separation from Active Duty) shows the applicant completed 1-year, 2-months, and 14-days of active service. It also shows in items:

- 6a (Grade, Rate, Rank): SFC and 6b (Pay Grade): E-7
- 7 (Date of Rank): 5 January 1972
- 16a (Primary Specialty Number and Title): 03Z5O (Special Services Senior Sergeant)
- 17a (Secondary Specialty Number and Title): 03D4O (Arts and Crafts Specialist)

o. On 26 November 1974, the applicant reenlisted in the RA in the rank/grade of SFC/E-7. DD Form 4 shows in item 49 the applicant was previously discharged on 25 November 1974 in the grade of E-7.

p. On 9 December 1974, the applicant extended his enlistment in the RA for 6-months due to retirement eligibility.

q. On 14 April 1981, Orders Number 72-58, issued by HQs, U.S. Army Military District of Washington, the applicant was discharged in the rank of SFC, effective 16 April 1981, for an immediate reenlistment in MOS 03C4I (Athletics Instructor Sports Specialist).

r. On 17 April 1981, the applicant reenlisted in the RA in the rank/grade SFC/E-7.

s. On 23 February 1984, the applicant requested a voluntary retirement, effective 30 April 1984. The DA Form 4187 (Personnel Action) shows the applicant's rank/grade as SFC/E-7.

t. On 22 March 1984, the applicant extended his enlistment in the RA for 14-days for retirement at the end of April 1984.

u. On 29 March 1984, Orders Number 062-17, issued by HQs, 1st Personnel Command, the applicant was relieved from active duty, effective 30 April 1984 and placed on the retired list in the rank of SFC.

v. On 30 April 1984, the applicant was honorably retired from active duty and assigned to the U.S. Army Reserve Control Group (Retired Reserve). DD Form 214 shows the applicant completed 3-years and 14-days of active service. It also shows in items:

- 4a (Grade, Rate, Rank): SFC
- 4b (Pay Grade): E-7
- 11 (Primary Specialty Number, Title and Years and Months in Specialty):
 - 54E 4O (Chemical Operations) 2-years
 - 03C4O (Physical Activities Specialist) 6-years and 8-months
 - 84B4O (Still Photographic Specialist) 8-years and 10-months
- 12h (Effective Date of Pay Grade): 5 January 1972

5. The applicant provides:

a. HQs, 8th ID letter dated 19 December 1967 from the Sports Director which stated the applicant had gained the respect and admiration of those who knew him. He dedicated his life to the sport of boxing. It was requested the applicant remain in the continental United States until it was determined whether he would make the Olympic team.

b. HQs, 3rd Brigade and Lai Khe Base 1st ID letter dated 21 May 1968 which stated the applicant was commended for his outstanding performance while assigned to Lai Khe hold baggage section. He improved the disorganized, haphazard operation immediately.

c. HQs, 1st ID General Orders Number 7088 dated 21 July 1968 which shows the applicant was awarded the Bronze Star Medal with Valor for heroism on 3 April 1968 for his service with his mechanized infantry company that was on reconnaissance at Chon Thanh. He led his men through the hail of hostile fire. He organized suppressive fire on the insurgents and disregarded his own safety during the evacuation of casualties.

d. HQs, U.S. Army Support Command, Saigon letter dated 23 November 1968 which shows the appreciation for the applicant's outstanding performance of duty during the period of September through December 1968 as the Recreation Noncommissioned Officer in Charge (NCOIC) of Special Services.

e. HQs, U.S. Army Support Command, Saigon letter dated 11 December 1968 which commended the applicant for his performance of duty. His devotion to duty and military bearing were beyond reproach.

f. WRAMC letter dated 2 February 1972 which shows the appreciation for the applicant's outstanding performance during the construction of the new crafts facility. He worked extensive hours to prepare the crafts shop for operation on the grand opening.

g. HQs, WRAMC General Orders Number 68 dated 18 September 1973 shows the applicant was awarded the Army Good Conduct Medal (4th Award) for exemplary behavior, efficiency and fidelity during the period of 14 March 1970 through 13 March 1973.

h. WRAMC certificate was awarded for his excellent performance in the black cultural activities to commemorate Black History Week 1974.

i. WRAMC letter dated 28 March 1974 to show appreciation for his service to the Welfare and Recreation Branch during the 4-years since his assignment where he worked in the Entertainment Section, Sports Section and the Outdoor Recreation Center.

j. DA Form 2442 which shows the applicant was cited for his significant achievement assigned to the Welfare and Recreation Branch at WRAMC during the period of 16 March 1969 through April 1974. During his assignment he advanced to the Branch NCOIC. He went beyond supervision to direct involvement in the recreation program.

k. WRAMC letter dated 23 April 1974 shows the applicant was commended for his outstanding performance of duty while he served as the Assistant to the Crafts Shop Director and as NCOIC of the Photography Section and Small Crafts Department during the period of 19 February 1972 through 30 April 1974.

l. Chief, Recreation Services Division, endorsed the commendation by stating the applicant's keen interest and complete dedication to the Army Recreation Services program made him an asset to the command.

m. VA letter dated 31 March 1978 addressed to T-C- regarding death benefits stated she needed to furnish the VA the applicant's death record, discharge papers, divorce decree and the death record for her first husband.

n. VA letter dated 10 May 1978 addressed to T-C- regarding widow's benefits stated she needed to prove the death of the applicant; however, if she could not prove his death, she should contact the VA after 7-years of his unexplained absence.

o. Letter to the commander of the Recruiting Support Center, Cameron Station, Alexandria, dated 25 January 1980 stated the display the applicant set up was a success with the students and he was able to interact with the students in a way many military men could not.

p. Recruiting Support Center, Cameron Station letter to the applicant for the appreciation for his professionalism during the display Cinema Pod Five. Individuals like him will assist the Army in reaching the goal for recruitment mission.

q. DA Form 87 shows the applicant completed the Trainers Workshop of the Battalion Training Management System on 1 April 1982.

r. Chemical School certificate which shows the applicant completed the Chemical Operations Specialist Transition course during the period of 2 March through 28 April 1982.

s. DA Form 87 shows the applicant completed the Trainers Workshop of the Battalion Training Management System on 5 May 1982.

t. VA letter dated 2 November 1984 to the applicant which stated there was conflicting information in his file regarding his termination of service in that his family believes he was deceased or missing in action on 7 October 1976 and filed for death benefits.

u. MS driver license for the applicant issued on 7 September 2017 shows he lived in Laurel, MS.

v. VA Forms 21-0845 showing the applicant authorized the VA to disclose information to C- T and R- T-.

w. Academy of Health Sciences U.S. Army shows the applicant completed the U.S. Army Alcohol and Drug Abuse Team training at Fort Sam Houston, TX.

x. Numerous DA Forms 2166, most are not legible; however, person(s) of his rating chain commented the applicant was an asset to the U.S. Army and should be promoted to the rank of MSG and to be considered for advanced schooling.

6. On 29 August 2024, in the processing of this case, the U.S. Army Human Resources Command provided an advisory opinion regarding the applicant's request for promotion to the rank of MSG and then to SGM. It states in part, the advisory official stated it was determined that administrative relief was not warranted and unsubstantiated. The applicant never stated he was selected for promotion by any MSG promotion board and

is therefore not eligible for any promotion to MSG. Assignment in a position of higher rank is not justification for an automatic promotion to the higher rank.

7. On 3 September 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. The applicant has not responded.

BOARD DISCUSSION:

1. 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.

a. Promotion: Deny. The Board found no evidence and the applicant does not provide any to show he was selected for promotion to MSG or SGM by a centralized promotion board. Additionally, assignment in a position of higher rank is not justification for an automatic promotion to the higher rank.

b. Silver Star: No Action. The Board found no evidence in the record and the applicant does not provide any that shows he was recommended or awarded the Silver Star. The Board cannot take action on a non-existent award recommendation. Nevertheless, this in no way affects the applicant's right to pursue his claim for the Silver Star by submitting a request through his Member of Congress under the provisions of Title 10, U.S. Code, section 1130.

c. Man of Honor. No Action. The Board is unclear what the applicant means by Man of Honor. If the applicant is referring to the Medal of Honor, the Board found no evidence in the record and the applicant does not provide any that shows he was recommended or awarded the Medal of Honor. The Board cannot take action on a non-existent award recommendation. Nevertheless, this in no way affects the applicant's right to pursue his claim for the Medal of Honor by submitting a request through his Member of Congress under the provisions of Title 10, U.S. Code, section 1130.

d. Enlistment Date and Discharge Date: Deny. The applicant initially enlisted in the Regular Army on 14 March 1961 and reenlisted multiple times. He was issued a DD Form 214 for each period of enlistment or immediate reenlistment. In October 1979, the Army stopped issuing a separate DD Form 214 for each period of immediate reenlistment. The applicant's last reenlistment began on 17 April 1981 and ended with his retirement on 30 April 1984. He received credit for this period of reenlistment (3 years and 14 days) as well as his entire active service of 20 years, 1 month, and 3 days, for a total of 23 years, 2 months, and 7 days.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, 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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period of 17 April 1981 through 30 April 1984, by:

a. Delete: Item 13 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- Vietnam Service Medal
- Republic of Vietnam Campaign Medal
- Bronze Star Medal with Device

b. Add: Item 13:

- Vietnam Service Medal with one silver service star
- Republic of Vietnam Campaign Medal with 1960 Device
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Bronze Star Medal with "V" Device

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214 service period of 14 March 1961 through 13 April 1964
- DD Form 214 service period of 14 April 1964 through 13 September 1970
- DD Form 214 service period of 14 September 1970 through 11 September 1973
- DD Form 214 service period of 12 September 1973 through 25 November 1974
- DD Form 214 service period 17 April 1981 through 30 April 1984
- DA Form 2-1 (Personnel Qualification Record)
- General Orders Number 8, dated 1974, HQs, 1st Infantry Division, Bronze Star Medal with "V" Device on 3 April 1968
- Department of the Army General Orders Number 8, dated 1974
- Army Regulation (AR) 600-8-22 (Military Awards)

3. Please correct the applicant's DD Form 214 by deleting and adding the awards shown in paragraph 1 above. Provide the applicant a copy of the corrections, and as applicable the medals and citations. Please ensure that the corrections are recorded in the applicant's official military personnel record.

REFERENCES:

1. Title 10, USC, 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 (AR) 600-200 (Enlisted Personnel Management System) in effect at the time, prescribes policies and procedures for promotions and reductions in grade.

a. Paragraph 7-2 (Qualification for promotion) Soldiers will be recommended for promotion only after they develop the skills and abilities to perform the duties and assume the responsibilities of the higher grade.

b. Paragraph 7-5 (Orders), promotions and restorations will be announced in orders.

c. Paragraph 7-35, centralized promotion system has been in effect for the promotion of enlisted Soldiers since 1 January 1969 for E-9 and 1 March 1969 for E-8.

c. Paragraph 7-37 (Selection boards). Boards convened at Headquarters Department of the Army will select and recommended enlisted Soldiers for promotion to grade E-7, E-8 and E-9.

3. AR 600-8-22 (Military Awards) prescribes Department of the Army (DA) policy, criteria, and procedures for individual and unit military awards and foreign decorations and badges.

a. Paragraph 3-7 (Medal of Honor), The Medal of Honor is awarded by the President in the name of Congress to a person who, while a member of the Army, distinguishes himself or herself conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in an action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party. The deed performed must have been one of personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his comrades and must have involved risk of life. Incontestable proof of the performance of the service will be exacted and each recommendation for the award of this decoration will be considered on the standard of extraordinary merit.

b. Paragraph 3-10 (Sliver Star), the Silver Star is awarded to a person who, while serving in any capacity with the U.S. Army, is cited for gallantry in action that does not

warrant award of a Medal of Honor or Distinguished Service Cross. The required gallantry must have been performed with marked distinction against an enemy of the United States while engaged in military operations involving conflict with an opposing foreign force or while serving with friendly foreign forces engaged in armed conflict against an opposing armed force in which the United States is not a belligerent party.

c. Each recommendation for an award of a military decoration must be entered administratively into military channels within 2 years of the act, achievement, or service to be honored. Submission into military channels is defined as "signed by the initiating official and endorsed by a higher official in the chain of command." However, pursuant to Title 10, USC, section 1130, a Member of Congress can request consideration of a proposal for the award or presentation of decoration (or the upgrading of a decoration), either for an individual or unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy. Based upon such review, the Secretary of the Army will make a determination as to the merits of approving the award or presentation of the decoration and other determinations necessary to comply with congressional reporting under Title 10, USC, section 1130.

4. AR 635-5 (Separation Documents) in effect at the time ended the need to prepare a DD Form 214 for enlisted members who are discharged for immediate reenlistment. It prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. Source documents will consist of DA Form 2 and 2-1, DD Forms 4, any other available record. Item 12; enter the date of the first day of the last immediate reenlistment for which a DD Form 214 was not issued, all service entered will be less time lost under Title 10, USC, section 972.

//NOTHING FOLLOWS//