

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 November 2024

DOCKET NUMBER: AR20240002665

APPLICANT REQUESTS: reconsideration of his previous request to:

- correct his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) ending on 25 June 1966 to show his rank/grade as private first class (PFC)/E-3
- to receive backpay based on the correction of his rank to PFC and when he was promoted to the rank/grade of private (PV2)/E-2

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

- Self-authored letter in lieu of DD Form 149 (Application for Correction of Military Record)
- DD Form 214, ending on 25 June 1966

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20230004642 on 19 December 2023.

2. The applicant states in part:

a. He cannot provide pay vouchers because all his records were lost in a flood in Del Rio, TX, except for his DD Form 214, letter of commendation, and certificate of achievement. He was stationed at Fort Riley, KS, with orders to deploy to Vietnam. Subsequently he was given two weeks leave in which he got married. After being married he returned to Fort Riley via bus and arrived in Dallas, TX, late in the evening. He was reported one day of being Absent Without Leave (AWOL) because Dallas was shut down and no transportation was leaving until the following day.

b. At morning formation, he felt a sharp abdominal pain and was rushed to sick call. It was discovered he had appendicitis. He spent three days in the hospital and was assigned to the rear detachment because his unit had already deployed to Vietnam. Later he was flown to Oakland, CA, where he boarded a ship for Vietnam. Was his time

in the rear detachment considered as 13 days lost time (item 32 (Remarks) on his DD Form 214). Was this what triggered his reduction to private (PV2)/E-2?

3. A review of the applicant's official record shows the following:

a. On 30 June 1964, the applicant was inducted into the Army of the United States.

b. DA Form 20 (Enlisted Qualification Record) shows in:

• Item 33 (Appointments and Reductions), his grade and Date of Rank (DOR) as follows:

- PVT/E-1, 30 July 1964
- PVT/E-2 (Permanent (P)), 30 November 1964
- PFC/E-3 (P), 6 April 1965
- "PVT/E-2 (P) [P] 22 September 1965"

• Item 31 (Foreign Service) – he served in Vietnam from 20 October 1965 to 24 June 1966

• Item 44 (Time Lost Under Section 972, Title 10, United States Code (USC) and Subsequent to Normal Date Expiration Term of Service) – the applicant was AWOL for "13" days from "9 to 21 September 1965"

c. On 6 April 1965, Unit Orders Number 13 issued by the 564th Ordnance Company (GS), Fort Riley, KS, which appointed/promoted the applicant to the permanent grade of PFC/E-3.

d. On 25 June 1966, DD Form 214 shows the applicant was honorably released from active duty and transferred to the USAR Control Group (AT). He completed 1 year, 10 months, and 13 days net service this period. It also shows in:

- Item 3a (Grade, Rate or Rank) – "PVT E-2 (P)"
- Item 3b (DOR) – 22 September 1965
- Item 32 (Remarks) – 13 days lost time from 9 to 21 September 1965

e. Letter Orders Number 07-1032230 published by the Office of the Adjutant General, U.S. Army Administration Center, St. Louis, MO, honorably discharged him from the Standby Reserve, effective 29 July 1970. The orders list his rank as PV2/E-2.

f. On 19 December 2023, in ABCMR Docket Number AR20230004642 the Board 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 applicant contends he served in Vietnam as a PV2/E-2 from 22 September 1965 to 25 June 1966; and that while serving in Vietnam he got paid as a private (PVT)/E-1. The evidence of records shows the applicant served on active duty from 30 July 1964 to 25 June 1966. He was promoted to PV2/E-2 on 30 November 1964. He served in Vietnam from 20 October 1965 to 24 June 1966 and he was promoted to PFC/E-3 on 6 April 1965. He also had 13 days of lost time from 9 to 21 September 1965 which apparently triggered his reduction to PV2/E-2 on 22 September 1965. After Vietnam, he was reassigned to Fort Riley, KS where he was advanced to PFC/E-3 on 6 April 1965. However, he was again reduced to PV2/E-2 on 25 June 1966 and he held this rank/grade upon his release from active duty on 25 June 1966. The applicant does not provide evidence of an error or injustice. His service record documented his advancement and reductions. If the applicant can provide his contemporaneous pay vouchers, he may reapply to this Board for reconsideration.

#### 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.

a. Grade at time of separation: Deny. The evidence of records shows the applicant served on active duty from 30 July 1964 to 25 June 1966. He was promoted to PV2/E-2 on 30 November 1964 and to PFC/E-3 on 6 April 1965. He also had 13 days of lost time from 9 to 21 September 1965 which presumably triggered his reduction to PV2/E-2 on 22 September 1965. After Vietnam, he was reassigned to Fort Riley, KS where he was advanced to PFC/E-3 on 6 April 1965. However, he was again reduced to PV2/E-2 on 25 June 1966 and he held this rank/grade upon his release from active duty on 25 June 1966. The DD Form 214 reflects the grade held by the Soldier at the time of separation. The applicant held the grade of PV2/E-2 at the time of separation. Therefore, the Board determined there is no error or injustice.

b. Backpay based on the correction of his rank to PFC and when he was promoted to PV2/E-2: Deny. The applicant does not provide evidence of an error or injustice. His service record documented his advancement and reductions. The applicant has not provided his contemporaneous pay vouchers. he may reapply to this Board for reconsideration. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

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 to amend the decision of the ABCMR set forth in Docket Number AR20230004642 on 19 December 2023

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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. Army Regulation (AR) 15–185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, it states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR will decide cases based on the evidence of record. The ABCMR is not an investigative agency.

2. AR 635-5 (Separation Documents) states all available records will be used as a basis for the preparation of DD Form 214A (Worksheet), including DA Form 24 (Service Record), DA Form 20 (Enlisted Qualification Record), and orders. The instructions for the preparation of the DD Form 214 state:

a. For item 3a (Grade, Rate or Rank) enter grade in which serving at time of separation, indicating whether permanent (P) or temporary (T). Pay grades will also be shown.

b. For item 3b (Date of Rank) enter date of rank for the grade shown in item 3a. (1) If date of rank is different from date of appointment, enter date of appointment in item 32 (Remarks) (2) If grade at time of separation is not permanent, the permanent grade, date of appointment, and date of rank, if different from date of appointment, will be entered in item 32 (Remarks).

//NOTHING FOLLOWS//