

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2025

DOCKET NUMBER: AR20240004767

APPLICANT REQUESTS: reconsideration of his prior request for correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his race as Native American in lieu of Caucasian,

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

- DD Form 149 (Application for Correction of Military Record)
- VA Form 10-10EZ (Application for Health Benefits)
- Affidavit, dated 18 December 1995
- DD Form 214

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 AR20220004745 on 9 November 2022.

2. The applicant states his race should indicate he is American Native [sic].

3. The applicant provides:

a. VA Form 10-10EZ (Application for Health Benefits), dated 16 September 2021, in Item 5 (What is your race?), the applicant marked an "x" in the box American Indian or Alaska Native.

b. A notarized affidavit, dated 18 December 1995, authored by his mother stating the applicant's ethnic heritage is aboriginal American, as was his father.

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

a. His DD Form 47 (Record of Induction) shows he was inducted into the Army of the United States on 25 July 1961. His DA Form 24 (Service Record) covers a period of

service form 25 July 1961 (24 July 1963) to 24 July 1967. Both documents are void of any identification of race.

b. His foreign service includes overseas duty in France from 21 April 1962 to 3 September 1962.

c. His DA Form 20 (Enlisted Qualification Record) Item 9 (Race) indicates CAU (Caucasian). Additionally, it shows award of the Marksman Marksmanship Qualification Badge for (Rifle M1) on 13 September 1962.

e. His Standard Form 88 (Report of Medical History) Item 8 (Race) and his DD Form 214, Item 7 (Race) both indicated the applicant was "CAU" (Caucasian).

f. He was released from active duty on 24 July 1963. His DD Form 214 shows he completed 2 years, 0 months, and 0 days of total active service. It also shows he was awarded or authorized the Army Good Conduct Medal.

5. On 9 November 2022, the ABCMR rendered a decision in Docket Number AR20220004745. The Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested race during his entire period of service. The Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. Based on this the Board determined relief was not warranted. In addition, decision documents, along with his application and the supporting evidence he provided, will be filed in his official military records. This should serve to clarify any questions or confusion regarding the difference in of his race recorded in his military records and to satisfy his desire to have his legal race documented in his military records.

6. A review of the applicant's service records confirms he is eligible for award or decorations not annotated on his DD Form 214. These entries will be added as administrative corrections and will not be considered by the Board.

7. By regulation 600-8-22 (Military Awards), the National Defense Service Medal is awarded for honorable active service for any period between 1 January 1961 and 14 August 1974 and a date to be determined.

8. By regulation 600-8-22 (Military Awards) sets forth requirements for award of basic marksmanship qualification badges. The qualification badge is awarded to indicate the degree – Expert, Sharpshooter, and Marksman -- in which an individual has qualified in a prescribed record course. An appropriate bar is furnished to denote each weapon with which the individual has qualified.

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.
2. The Board carefully considered the applicant's request, his military record and the Race annotated in the entirety of his record, to include on documents that he had signed. The Board considered the notarized affidavit signed by his Mother and the box he checked on the provided VA Form 10-10EZ. The record did not contain, and the applicant did not provide any further documentation or identification that reflects his race as Native American. The Board found the entries in his record to accurately represent the circumstances as they existed at the time of his service. Based on a preponderance of evidence, the Board determined that the Race entries in the applicant's record were not in error or unjust. The Board concurred with the record corrections stated in the Administrative Notes below.

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, except for the corrections stated in the Administrative Notes that follow, 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. the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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):

A review of the applicant's service records show he is awards and/or decorations not annotated on his DD Form 214. As a result, amend his DD Form 214 to show:

- Marksman Marksmanship Qualification Badge with Rifle Bar (M-1)
- National Defense Service Medal

REFERENCES:

1. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

2. By regulation (AR 635-5) the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Section 111 (Instructions for the Preparation and Distribution of the Armed Forces of the United States Report of Transfer or

Discharge (DD Form 214)) paragraph 24 (Items 7a through f) states: Entry in 7a "Caucasian," "Negroid," "Mongolian," Indian (American or Malayan)" will be made from DA Form 66 or enlistment record, as appropriate. All other entries are self-explanatory.

3. By regulation (AR 600-8-22) the National Defense Service Medal is awarded for honorable active service for any period between 27 July 1950 and 27 July 1954, 1 January 1961 and 14 August 1974, 2 August 1990 and 30 November 1995, and 11 September 2001 and a date to be determined.

//NOTHING FOLLOWS//