

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 December 2024

DOCKET NUMBER: AR20240005861

APPLICANT REQUESTS: reconsideration of his previous request to be promoted higher than private (PV2)/E-2.

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

- DD Form 149 (Application for Correction of Military Record)
- New Statement, 5 February 2024
- Prior application and statement, 20 March 2023

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 Dockets Number: AC81-05901, 3 February 1982, AR20160008528, 10 July 2018, and AR20190005803, 22 July 2020.

2. The applicant states he is an 84-year-old veteran, and he wishes to respond to the previous application. Prior to returning to the United States, he personally optically synchronized all of the 105, 155 weapons as well as those on tanks, for the 1st Cavalry Division in Korea. This was also done on the weapons for the 1st Armored Division in Fort Hood, TX, in preparation for the 1962 Cuban Crisis. Additionally, the Board will find an evidentiary statement to back up this. All of this being done in order for the Board to understand that he was passed over for promotion due to the fact that prior to enlisting, he was associated with Fidel Castro. He said "was associated" as at the time of enlistment. He had broken off that association as he realized he and his was in fact Communist led. He hopes this might cause to change the Board's mind. He has not lied about anything he has said as there is no reason to do so.

3. The applicant previously stated prior to enlisting into the Army, he became a fanatic of Fidel Castro and he was subsequently introduced to him at a support meeting at a place called The Audubon Ballroom which was the same venue Malcom X was assassinated. After this meeting, he became a member of his group called M-26 and remained so until just 3 months prior to his enlistment. After basic training at Fort Riley, KS, he was relocated to Aberdeen Proving Grounds to begin his military occupational

specialty training. Since the service had at that time a process of scrutinizing correspondence, his mother sent him an envelope from the Cuban regime containing a photo of Fidel Castro in camo as gratitude for his help with the M-26. He did not know that one piece of correspondence would haunt him for months as it seems he was pegged as an infiltrator into the Army by orders of Fidel.

a. He was subsequently transferred to Fort Knox, KY and one day he was ordered to be available for an interview with members of the Criminal Investigation Command, also known as CID, and taken to the boondocks to a simple cabin. He was interviewed for about 1 hour, and when he returned to his unit the commanding officer provided him with marching orders to go to Camp Picket, VA. This led to another interview with members of CID which lasted about 2 hours. When he returned to his unit, his commander stated that if he was found to be an infiltrator he would find cause to incarcerate him. He was eventually sent to Korea where he spent 15 months. While there, he was given what seemed to be a last interview with CID and in that interview his Latin blood got the best of him. He got up and shouted that after all this time he deserved respect and wanted to finally find out if he was or was not a traitor.

b. When he returned to his unit, he sat down and wrote a letter to the head of the Secretary of the Army in order to provide him with clarity after all these interviews. He was kind enough to answer him that he had finally been granted a Top Secret Clearance and that there would be no more interviews. After all this, he found it humorous that his Fort Hood unit, 1st Armored Division, would be heading to Cuba as part of the Cuban Missile Crisis and this was part of his reason to ascertain whether he had a pension due him. All this because of a piece of correspondence from Cuba.

3. The applicant enlisted in the Regular Army on 15 February 1960 for a 3-year term in the rank/grade of private/E-1. He held military occupational specialty 403.10 (Fire Control Instrument Repairman).

a. He served in Korea from 2 June 1961 to 4 September 1962. In Korea, Headquarters and Company B, 327th Ordnance Battalion published orders promoting him to private first class (PFC)/E-3 (Temporary) on 30 June 1961.

b. Following completion of this tour, he was reassigned to Fort Hood, TX. At Fort Hood, Headquarters and Company A, 123rd Maintenance Battalion, published Unit Order Number 3 reducing him from PFC/E-3 to private (PV2)/E-2 (Permanent) on 17 January 1963.

c. There is no evidence in his record, such as a promotion order or an entry on his DA Form 20 (Service Record) that shows he was promoted back to a higher grade.

d. He was honorably released from active duty in eth rank/grade of PV2/E-2 on 14 February 1963 and transferred to the U.S. Army Reserve to complete his remaining service obligations. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows: he completed 3 years of active service, 1 year, 3 months, and 3 days of which was foreign service; the reason for his separation was "Expiration of Term of Service," Separation Program Number (SPN) 201; and the authority for separation was Army Regulation (AR) 635-200 (Personnel Separations)

e. On 3 February 1981, the Military Personnel Center (MILPERCEN) advised the applicant, in essence, that his official records show that he was reduced to E-2 effective 17 January 1963; that under Regulations in effect at the time. The earliest he could have been promoted to grades E-3 and E-4 was 18 January 1963 and July 1963 respectively, had he been recommended by his commander.

4. On 3 February 1982 (Docket Number AC81-05901), the Board considered his petition to show he was promoted to E-4 while on active duty and separated in that grade. However, the Board found insufficient evidence to support his request.

5. On 10 July 2018 (Docket Number AR20160008528), the Board considered his petition to correct his records to show he retired in 1963. However, the Board determined the overall merits of this case were insufficient as a basis for correction of his record and denied his petition. The applicant served on active duty from 15 February 1960 to 14 February 1963. He completed 3 years of actives service and was separated due to expiration of his term of service. He did not complete the required number of years to qualify for retirement due to length of service (20 or 30 years). Likewise, he was not separated due to temporary or permanent disability. It is possible he is referring to a veteran's pension, sometimes called the wartime pension. This is a program for veteran's who have served at least one day during a U.S. wartime period. It is managed by the Department of Veterans Affairs and is outside the purview of this Board.

6. On 22 July 2020 (Docket Number AR20190005803), the Board reconsidered his request for correction of his military records to show he retired from the Army in 1963. After reviewing the application and all supporting documents, the Board determined relief was not warranted. Based upon the available documentation within the applicant's service record, the Board concluded the information on the applicant's DD Form 214 accurately reflects the military service of the applicant. The record shows the applicant served 3 years of active service prior to ending his military service. Thus, the Board found insufficient evidence of an error or injustice.

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 evidence shows the applicant served on active duty from 15 February 1960 to 14 February 1963. He was promoted to PFC/E-3 in Korea on 30 June 1961. Following completion of his Korea tour, he was reassigned to Fort Hood where his unit, Headquarters and Company A, 123rd Maintenance Battalion, published Unit Orders reducing him from PFC/E-3 to private PV2/E-2 on 17 January 1963. He held the rank/grade of PV2/E2 at the time of separation. The Board found no evidence in his record, such as a promotion order or an entry on his DA Form 20 (Service Record) that shows he was promoted back to a higher grade. Therefore, the Board determined there is neither an error nor an injustice.

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 Dockets Number AC81-05901, 3 February 1982, AR20160008528, 10 July 2018 and AR20190005803, 22 July 2020

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) AR 635-200 (Personnel Separations), dated 6 December 1955, as amended by changes in 1959 and 1961, provided for the separation of enlisted personnel upon expiration of the term of enlisted service.

a. Subject to the provisions of paragraph 12, an individual enlisted, inducted, or ordered to active duty normally/will be discharged, or released from active duty, on the date upon which he completes the period for which enlisted, inducted, or ordered to active duty.

b. Retirement is authorized for length of service (20 or 30 years) or due to temporary or permanent disability.

c. Paragraph 17 stated the reason and authority for separation for enlisted personnel released from active duty and returned or transferred to a Reserve Component by reason of expiration of period for which enlisted, inducted, or ordered to active duty would be AR 635-200.

d. The Separation Program Number (SPN) 201 indicates an enlisted member was separated due to expiration of term of enlisted service.

2. Army Regulation 624-200, Appointment and Reduction of Enlisted Personnel, which became effective on July 1, 1962, governed the temporary appointment of enlisted personnel in the active Army to pay grades E-4. For enlisted personnel to grades E-3 through E-9, appointments, grade reductions, and grade restoration were announced in routine orders. Local appointment authorities were authorized to make temporary appointments of qualified personnel to pay grades above E-3 against local pay grade vacancies, subject to major command ceilings and allocation of quotas.

//NOTHING FOLLOWS//