

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 April 2025

DOCKET NUMBER: AR20240009566

APPLICANT REQUESTS:

- advancement to a higher rank/grade
- award of an achievement medal for his service

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter – reflective of the applicant's account of his military service of which includes participation in the Korean War
- DD Form 214 (Report of Separation from the Armed Forces of the U.S), 22 October 1973 – reflective of the applicant's service on active duty from 23 January 1952 – 22 October 1953;
 - item 3 (Grade, Rate or Rank and Date of Appointment): Private First Class (PFC) (Temporary), 24 November 1952;
 - item 18 (Grade Rate or Rank at time of Entry into Active Service): Private (PVT)/E-1;
 - item 26 (Foreign and/or Sea Service): 11 months 10 days;
 - item 27 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized: Combat Infantryman Badge, United Nations Service Medal, Army Good Conduct Medal, Korean Service Medal (w/ 2 Bronze Stars) and the National Defense Service Medal
- Docket Number AR20230008743, 14 March 2024 – advising the applicant of his unclear application for correction of his DD Form 214; case returned without action
- Self-authored letter – reflective of the restatement of the applicant's initial request for advancement in grade/rank and the recognition of his service by the authorization of an achievement award
- Self-authored document – reflective of an account of the applicant's service locations in Korea and conflict participation
- Department of Veterans Affairs letter, 14 May 2009 – reflective of the applicant being rated as a 100 percent disabled due to a service connected disability

- Photographs (total of 4) of a Soldier in military uniform

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 in pertinent part that:
 - he was not recognized in the form of an award or advancement in rank/pay grade for his military service
 - he participated in the Korean War (6 months) and should have been advanced beyond the rank of PFC
 - during his deployment, required to evacuate injured service members from harm's way
 - currently suffers from Post-Traumatic Stress Disorder and Anxiety due to the military not recognizing his service to the country in the form of advancement in grade
3. A review of the applicant's available service records reflects the following:
 - 23 January 1952 – inducted into the Army of the United States at the rank of PVT/E-1
 - 24 November 1952 – advanced to PFC
 - 22 October 1953 – honorably released from active duty and transferred into the U.S. Army Reserve (USAR) at the rank of PFC (Temporary)

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation failing to show the applicant advanced beyond the rank of PFC during his military service and a lack of evidence showing he was submitted for and approved for an achievement medal during his period of military service, the Board concluded there was insufficient evidence of an error or injustice warranting relief.

2. The Board wished to inform the applicant that awards and recommendations for promotions are left to the discretion of commanders. Without such evidence showing the applicant's commander made such recommendations, the Board recommended denying relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XXX	:XXX	:XXX	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.

//SIGNED//

X

CHAIRPERSON

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 (AR) 624-200 (Promotions, Demotions and Reductions) provides that applicable guidance for the promotion of enlisted personnel. Paragraph 4 (Orders) provides that appointments of enlisted personnel to all grades except E-2, will be announced on company or special orders issued by the appropriate appointment authority. The Orders will cite whether the appointment is permanent or temporary and the specific paragraph and subparagraph of these regulations upon which the

appointment is based. To be advanced beyond the rank of PFC/E-3, a service member must have at least 6 months' time-in-grade and 2 months' time-in-position vacancy as a PFC.

3. AR 672-5-1 (Decorations and Awards) in effect at the time provides that the primary purpose of the decorations system is to provide tangible evidence of public recognition of acts of heroism performed and valuable services rendered. Decorations are primarily intended to recognize acts, achievements, and services in time of war. Section 3 (General Provisions Governing the Awards and Decorations) provides that it is the responsibility and privilege of any individual having personal knowledge of an act, achievement or service believed to warrant the award of a decoration to submit a recommendation for consideration. By operation of law a military decoration will not be awarded more than 3 years after the action or period of service being honored, and in each instance the recommendation for an award must be formally entered into military channels within 2 years of the date of the act, achievement, or service to be honored. All awards made pursuant to delegated authority will be announced on general orders by the commander authorized to make the award.

4. Title 10, USC, section 1130 (Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review) states upon request of a Member of Congress, the Secretary concerned shall review a proposal for the award or presentation of a decoration (or the upgrading of a decoration), either for an individual or a unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy for timely submission of a recommendation for such award or presentation. Based upon such review, the Secretary shall make a determination as to the merits of approving the award or presentation of the decoration.

5. Army Regulation (AR) 15-185 (ABCMR) paragraph 2-9 states 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.

//NOTHING FOLLOWS//