National Personnel Records Center

Military Personnel Records, *9700 Page Avenue St. Louis, Missouri 63132-5100*

May 31, 2012

GREGORY R. BEAN
STARK & KNOLL
3475 RIDGEWOOD ROAD
AKRON, OH 44333-3163

RE: **Veteran's Name: HACK, David D**
SSN/SN: [redacted]
Request Number: 1-10909687147

Dear Mr. Bean:

Thank you for your letter of May 10th which outlined errors made by our staff in responding to a Freedom of Information Act (FOIA) request from the POW Network in regards to the military service record of Mr. David D. Hack. I deeply regret the errors that were made and any adverse impact they may have had on the reputation of Mr. Hack.

The following is a summary of recent reference transactions involving the military service record of Mr. Hack. The summary includes an acknowledgement of the errors which were made and a discussion of our efforts to remedy the errors upon becoming aware that we had made a mistake.

On October 11, 2011, Mary Schantag of the POW Network sent a request to NPRC for information releasable under the Freedom of Information Act (FOIA). We responded to her request on October 20, 2011, with a completed NA Form 13164 (your Exhibit A), a "Record of Assignments" (your Exhibit B) and a copy of "Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized" (your Exhibit C). On the NA Form 13164 that was issued by our office, the technician that prepared the form made three errors.

The first error involved transposing two digits in Mr. Hack's service number. Mr. Hack's correct service number is 321996, but on the NA Form 13164 we listed it as 312996.

The second error involved Mr. Hack's rank. Mr. Hack's correct rank is "Sergeant First Class" which is normally abbreviated with the acronym, "SFC". However, on the NA Form 13164 we listed it as "SPC".

The third error involved Mr. Hack's place of entry. Mr. Hack began his military service with the Army National Guard. He later enlisted in the United States Coast Guard. After serving in the United States Coast Guard, he served in the United States Army. In our response, we provided Cincinnati, OH as the place of entry. Cincinnati, OH is the correct place of entry for his service in the U.S. Coast

Guard, but it does not address his service in the Army or the Army National Guard. Our response should have indicated the following places of entry:

Louisville, KY - for service in the Army National Guard
Cincinnati, OH – for service in the United States Coast Guard
Phoenix, AZ – for service in the United States Army

The "Record of Assignments" (your Exhibit B) and the "Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized" (your Exhibit C) were extracted from the service record. They are exact photocopies of FOIA-releasable portions of documents contained in the service record. They have not been edited by our staff.

Though the record supports that Mr. Hack was awarded a Purple Heart, it does not reflect the award of a Purple Heart with Oak Leaf Cluster. This was not an error of interpretation by our staff. I am therefore enclosing a DA Form 149, Correction of Military Record. If Mr. Hack believes he should have been awarded the Purple Heart with Oak Leaf Cluster, he may submit the form along with supporting documentation to the Department of the Army address provided below to request that the record be changed to reflect the award.

U.S. ARMY HUMAN RESOURCES COMMAND
SOLDIER PROGRAM AND SERVICES DIVISION –
AWARDS AND DECORATIONS BR
ATTN: AHRC-PDP-A
1600 SPEARHEAD DIVISION AVENUE DEPT 480
FORT KNOX, KY 40122-5408

On October 19, 2011, Jim Carney, a staff writer with the Akron Beacon Journal, submitted a request to NPRC for Mr. Hack's Army military record. He did not present a written release authorization from Mr. Hack, so we responded by providing only FOIA-releasable information. As in the case of the previous request submitted by the POW Network, we prepared a NA Form 13164 to provide the releasable information. In this instance, however, the NA Form 13164 was prepared without error. We issued our response to Mr. Carney on November 4, 2011.

On October 22, 2011, Eric Mansfield, a reporter with WKYC-TV, submitted a request to NPRC for Mr. Hack's Army military record. He did not present a written release authorization from Mr. Hack, so we responded by providing only FOIA-releasable information. As in the case of the previous requests submitted by the POW Network and the Akron Beacon Journal, we prepared a NA Form 13164 to provide the releasable information. In this instance, the NA Form 13164 was prepared without error. We issued our response to Mr. Mansfield on November 2, 2011.

On May 2, 2012 you contacted the Center by phone to alert us of the errors that were made in responding to the October, 2011 request from the POW Network. On that same day, we contacted the POW Network by phone to make them aware of our error. We then followed up with a written

notification which explained the errors and provided a corrected NA Form 13164. The corrected NA Form 13164 was issued on May 14, 2012.

The National Personnel Records Center receives approximately 5,000 requests each day. We have an awesome responsibility and our employees, many of whom are veterans themselves, take that responsibility very seriously. In this instance, however, it is clear that when responding to the October, 2011 FOIA request from the POW Network, we failed to respond accurately. Though it is clear that our initial response was inaccurate, as indicated above, we have contacted the POW Network to set the record straight.

Though no words of mine can change the fact that an error was made or lessen the impact it has had on your client, it is my hope that you would agree that the actions we have taken since becoming aware of the error have been responsive and appropriate. I welcome you to share this letter which acknowledges the mistakes we made, with any individual or organization with interest in this particular matter.

In researching this matter, I noted that you had also submitted a Standard Form 180 dated May 1, 2012, in which you request a complete copy of Mr. Hack's military personnel and medical records. I have therefore enclosed complete copies of these important records with this letter of reply. Information of a personal nature which relates to third persons and which appears in the records requested has been deleted from the attached reproductions pursuant to the Freedom of Information Act, U.S.C. 552(b)(6), the Privacy Act of 1974, 5 U.S.C. 552a, and the regulations of the agency that created the documents.

Once again, I sincerely apologize for our error and for any adverse impact experienced by Mr. Hack.

Sincerely,

Scott A Levins

SCOTT A. LEVINS
Director

Enclosures