

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUN 11 1998

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

AL HAMBURG
Route 3 Rt. Box A15
Torrington, Wyo 82240 - Retitioner
Phone 307- 532- 7710 Plaintiff

Civil Action No. 1

VS

*-----

WILLIAM J. " BILL " CLINTON
President of the United States
1600 Pennsylvania Ave NW
Washington, D.C. 20500
(Defendant)

CASE NUMBER 1:98CV01459

JUDGE: Thomas Penfield Jackson

DECK TYPE: Pro-Se

DATE STAMP: 06/10/98

COMPLAINT

Al Hamburg, plaintiff - petitioner proceeding pro se and requesting to proceed in Forma Pauperis but seeking the appointment of proper counsel or Special Master to certify and carry forward my civil complaint.

1. Al Hamburg alleges that for 31 years since 1967 he has made repeated claims and demands requesting the Dept of the Army to upgrade the 1967 Vietnam undesirable discharge to a General discharge and to award the three months pay due Al Hamburg in July 1967 with intrest.
2. The defendant William J. Bill " Clinton is the Commander in Chief of the U.S. Military and has many times given favorable consideration and special awards to former military veterans who are classified as minority persons in U.S. society while at the same time ignoring requests for correction of military records by white veterans such as Al Hamburg who not only served with the 4th Infantry Division in Vietnam in 1967 but also with the 3rd Infantry Division in Korea in 1952.
3. Cases in point, " President Clinton has had a personal program involved in finding black veterans going back to World War Two where there records might show that they could be awarded combat decorations. And Clinton has made big publicity shows when they were given decorations, and this shows a pattern of racial discrimination against white veterans.

Also case in point, President Clinton made a recent statement that more Mexicans should be allowed to enter the military by lowering the I.Q. testing and education requirements that other persons that enlist are required to have. And since President Clinton has ignored the illegal invasion from Mexico his plan would flood the U.S. Military with illegal aliens who have no allegiance to U.S. citizens.

4. White veterans are becoming an angry force of legal citizens opposed to the Clinton governments abdication and default policy in stopping invading aliens, a policy that is a violation of the rights interests and liberties of legal citizens protected under Article Four Section Four of the U.S. Constitution and the Ninth and Tenth Amendments to the U.S. Constitution.

This alien invasion is a wrongful enemy fifth column that seeks political and economic power over legal citizens at the expense of legal citizens paying for preferential and subsidized assistance to persons classified as a Hispanic minority.

And for President Clinton to offer this so called Hispanic minority the right to enlist in Army with lower I.Q. tests is a clear case of racial discrimination against white veterans.

5. The Army in 1967 ignored the fact that Al Hamburg had a good record while serving with the 4th Infantry Division. At the time Al Hamburg at 35 years of age was serving under his 26 year old brothers name because Al Hamburg could never have gotten to Vietnam to write stories for magazines about the war.

The Army feared that if they did not discredit Al Hamburg with the undesirable discharge that I would expose in my writing some of the military corruption involving officers and corrupt people in South Vietnam who made profits from drugs and whore selling.

6. In contrast to the undesirable discharge given Al Hamburg who was only writing about the good soldiers, At the end of the Vietnam War in 1975 when the U.S. military and all those corrupt drug dealers in the South Vietnam government were running scared to get out a call went out to the several hundred U.S. military deserters that were hiding out wanted for major crimes and dope dealing to come in and they would be sent home with General discharges and back pay.

IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

page 3 Hamburg vs Clinton

7. But in the case of Al Hamburg at the Oakland Calif discharge base my clothing was seized and I had to find some civilian cloths while naked from a Good Will Box out in front of the office in front of female employees!

The Army refused to give me back pay or travel pay and gave me the silent treatment when I asked to leave. An old Army Sgt there who didn't like the way I was treated told me the Army intended to have the M.P's throw me out the gate where the F.B.I. and C.I.A. would take me somewhere to question me. To avoid this he hid me in the trunk of his car and took me to a highway where I hitched rides back to Nebraska!

8. The Army was never defrauded by me in Vietnam under my brothers name because I had served in the Army two times before this. In 1951 I was in Japan and most all of 1952 I served as a forward observer in combat with the 3rd Infantry Div most of that time as a forward observer with Co B of the Belgium Bn, One of the 16 UN countries in Korean War. And in 1993 the Belgium Army awarded me a long overdue Belgian combat decoration, Copy of letter for that Belgium Korean War Medal of Honor is attached)

In 1953 and 1954 I served with 14th Armed Cav patrolling the East German border and my military record in Germany was rated with the best soldiers, And during another enlistment served in Japan!

After 31 years its time the Army ended this grudge against Al Hamburg and that Hamburg's 1967 Vietnam discharge be upgrade to a General discharge and that Al Hamburg be awarded at least Ten thousand dollars or what just award the Court will award!

Therefore the petitioner Al Hamburg does plead to the Court to allow this complaint against the Commander in Chief of the U.S. Army President William J. " Bill " Clinton to proceed!

Date May 9, 1998



Al Hamburg

Route 3 Rt Box A15
Torrington Wyoming 82240

EMBASSY OF BELGIUM

MILITARY, NAVAL AND AIR ATTACHE
3330 GARFIELD STREET, N. W.
WASHINGTON, D. C. 20008

Washington, D.C. October 08, 1993

54.2 AM/3229


TO : Mr Albert HAMBURG
Rt 3 BOX A15
TORRINGTON, WYO 82240

SUBJECT : Belgian Medal Korean War.

Dear Mr. Hamburg,

Please find enclosed the Korean Medal of Honor, issued by Royal Decree September 26, 1951. We acknowledge THAT YOU ARE ENTITLED TO WEAR THIS MEDAL (see enclosed certificate).

Sincerely yours,


André G. DE SMET
Brigadier General, Belgian Army
Defense, Military, Naval and Air Attaché



ROYAUME DE BELGIQUE



Le Ministre de la Défense Nationale

a l'honneur de faire savoir

à Monsieur HAMBURG, Albert ;

qu'en vertu des prescriptions de l'Arrêté Royal du 26 septembre 1951

la **MEDAILLE COMMEMORATIVE DES THEATRES D'OPERATIONS EXTERIEURES**

lui est décernée, et qu'il peut apposer sur le ruban de cette distinction honorifique la barrette "COREE-KOREA".

Bruxelles, le 20 septembre 1993.

Pour le Ministre
le Directeur de l'Office Central de la
Matricule

G. WOUTERS

Major breveté administrateur militaire

AL Hamburg - served
As Forward observer
for Co. B, Belgium Bn,
UN, Troops Attached to
3rd Infantry Div
in Korea - 1952

201-Hamburg, Albert (Enl)
RA17 308 740 (4 Sept 52)

5th Ind

CLC/pj

HEADQUARTERS, 10th Field Artillery Battalion, APO 468, 1 October 1952

TO: Commanding General, 3d Infantry Division Artillery, APO 468

Under the provisions of 2b, C1, 2d, C-2, AR 615-366, the following information is submitted in order to retain Pfc Albert Hamburg, RA17 308 740, in the military service.

a. This EM has no prior service. He enlisted in the U.S. Army on 30 January 1951 for a period of three years.

b. A search of his record reveals no pending or previous trial by courts-martial.

c. No time has been lost under Section 6 (a), Appendix 2b, MCM 1951.


d. Present grade is Private First Class E-3.

e. Pfc Albert Hamburg's character, while serving with the 10th Field Artillery Battalion, has been excellent.

f. AGCT score is 114.

g. Pfc Hamburg has been assigned to the 10th Field Artillery Battalion, 3d Infantry Division, since February 1952. During this time he has been assigned as a member of a forward observer team, "B" Battery, 10th Field Artillery Battalion. The work has been hazardous and living conditions extremely bad. During this period his conduct has been above reproach. It is, therefore, recommended that Pfc Albert Hamburg be retained in the military service.

Incls
n/c


CUTLER L. CLARK
Lt Col Arty
Commanding

Served most all of 1952 as
Forward observer
3rd Infantry Div,
attached to Co, B, Belgium Bn,

*curriculum 34 AL Hamburg
publics had 67 x 68*

Artillery Plays a New Role in Vietnam War

By Albert Hamburg



Albert Hamburg

Albert Hamburg, painting contractor by vocation, soldier and writer by avocation, is back at his painting business after serving a stint in Vietnam. Here the decorated Korean War veteran, who also served in Germany after World War II, tells about a jungle battle with North Vietnamese troops at an artillery emplacement.

AS the helicopters tried to land the 105 howitzers, they drew fire from nearby enemy emplacements.

Then the NVA (North Vietnamese Army) troops came out of the jungle and towards our perimeter. To meet the enemy ground attack, our reaction force went into action.

The GI troops fired into the charging ranks of the NVA, and after a few minutes of this, the enemy broke and ran back into the jungle. They held off while the helicopters unloaded and the artillerymen went to work to build up a perimeter defense around the artillery gun pits.

Running low on ammo, the reaction force fell back to the perimeter that was under construction. Then the NVA came out of the jungle again to attack the artillery position.

One GI in the reaction force stayed behind after collecting the patrol's hand grenades. He put them in two

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sandbags. Carrying one sandbag in his teeth so he had his throwing arm free, he began counter attacking the NVA with grenades.

This one soldier held the NVA off until the reaction force was able to regroup and be reinforced by an APC (Armored Personnel Carrier). The NVA then broke contact and faded back into the jungle, leaving several dead behind.

Talk about your brave men of this war!

This action around our perimeter usually would have been the job of infantry troops, but in Vietnam they were artillerymen trying to set up their gun positions to support the infantry.

In the history of warfare, the artillery has always had the infantry out in front of it. That is, until the Vietnam War.

In Vietnam, when an infantry unit comes into a landing zone in the jungle, the Viet Cong and NVA will play a game of cat and mouse and hide their time in trying to lead the infantrymen into an ambush. But when an artillery fire support base camp is being set up, the VC and NVA know that their best chance of wiping out that artillery fire base is before a perimeter defense can be set up around the big guns.

Since there are no front lines in the Vietnam war, the artillery units must have the ability to go where the infantry goes and be able to fight as infantrymen whenever the guns are threatened by a ground attack.

Setting up an artillery fire support base in the jungle takes a lot of hard labor and sometimes hard fighting.

Before the guns can be brought in, an advance reconnaissance team is sent into the area to survey in the gun positions. Next comes the clearing of the I.Z. And once this area is cleared for the guns, the advance troops begin building up a perimeter defense.

FEBRUARY, 1968



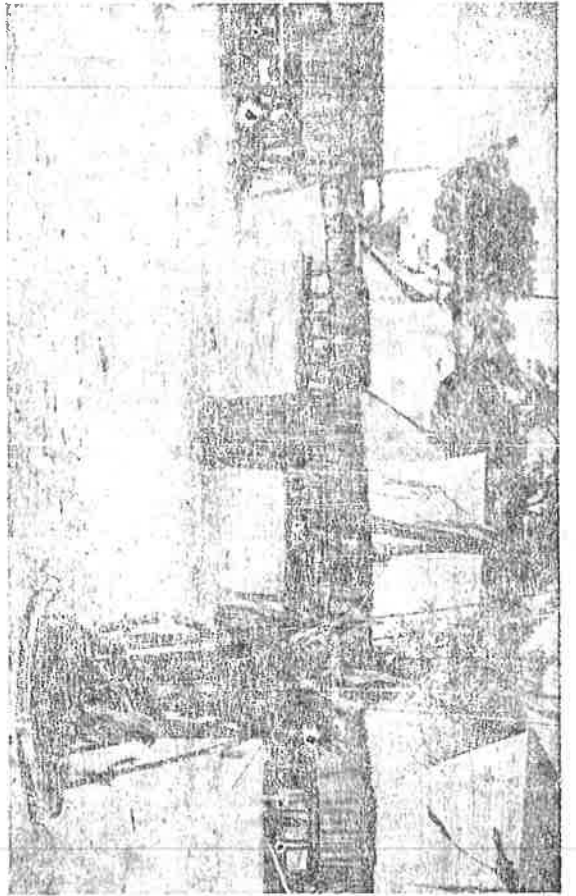
Observation bunker in Dragon Mountains, Central Highlands

Then helicopters lift in the howitzers, ammo and crews.

Although our communications section was utilized for reaction patrols, village searches, guards on ammo runs, perimeter guard duty and a hundred other dirty jobs, our main responsibility was to set up communications at new fire support bases like this one.

We came in on one of the helicopters that was bringing in the 105 howitzers while the fight between the NVA and our reaction force was going on.

The advance party already had laid out where the command post, gun pits and perimeter defense bunkers were



A Montagnard village in a mountain region of Vietnam. Bows and arrows and other primitive weapons are stacked in right foreground.

to be built. We immediately began stringing telephone wire lines from the command post to the gun pits. Then another line to all the bunkers to be built around the perimeter.

A typical fire support base camp looks something like the old West's wagon train circles. The gun pits are set up in a circle so the artillery pieces can move and fire in any direction. Around each gun pit is built a barrier wall of sandbags with connecting bunkers for the gun crews and for ammunition storage.

Walled Sandbags

The bunkers you live in are walled sandbags with logs on top and more sandbags on top of the log roof. Once inside a bunker, there is only room enough to stand on your knees.

Around the gun pits and command post, supply and kitchen mess is set up in a ring of perimeter bunkers

and a circle trench. From the perimeter bunkers a few troops are on watch in the daytime to give the alert in case of attack. But at night everyone not on the guns, even the cooks, will be used as perimeter guards.

We finished our job the first day but we couldn't be lifted out until the fire support base was finished. And we were now put to work filling sandbags, dragging logs and clearing all trees and brush from around the outside of the perimeter so the NVA coming out of the jungle would have to cross open ground to get to us.

The NVA had one advantage. They could sit in the jungle unseen and snipe at us, or fire a few mortar rounds into our area while hidden among the trees. But whenever they did, we would unleash a barrage of artillery fire in their direction.

At dusk we set up a circle of Bouncing Betty mines around our

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perimeter about 60 yards out. We marked each placement with a small stake so our own soldiers could spot them in the daytime.

The Bouncing Betty is a small pressure mine buried in the ground. When a man steps on it, it explodes, usually killing him outright, and then it jumps up into the air and a second charge goes off, spraying shrapnel for 40 yards. This mine is good against a mass of troops that is bunched up together.

Expected Visitors

And the Vietnamese—both the enemy and our own "Arvin" soldiers (Army of the Republic of Vietnam)—like to bunch up together on a patrol. GIs will spread out because they don't want to be killed if someone else steps on a mine.

We expected the NVA to hit us that night, but they didn't come near us as they seemed to have their hands full with our infantry in the jungle. All night long five missions came in to support the infantry and the 105 howitzers barked out shells continuously throughout the night.

At dawn everything was quiet, and during the day there were only a few fire missions while the artillerymen went back to work building up their positions.

But at dark it started all over again.

Our squad was on perimeter guard again that night. We were hoping we would be airlifted out the next day as our job was finished, and with the perimeter bunkers and gun pits nearly completed, the artillery battery had no more use for us.

About 2 am, I was glaring out of the firing hole in our bunker trying to keep my eyes open. We had been working all day and pulling guard at night, with two-hour turns at sleep-

ing and two hours at watching and listening.

I kept rubbing my eyes and straining my ears, trying to figure out what each little night sound was, when I heard two explosions. I knew the NVA had come calling and one of them had stepped on a Bouncing Betty. Then flares streaked up all around. I heard the "pop" sound as they went off in the air and floated down on their tiny parachutes, lighting up the ground in front of us.

The NVA soldiers hit the dirt when we opened up with M-60 machine guns, Claymore mines and rifle fire. Some of the figures on the ground got up and came running crouched low, then hit the ground again.

Our 105s were firing level at point blank range now, and as a shell went over our bunker it made a sound like, "WHOOOP", then you saw it explode.

I didn't know if we were hitting any of them with rifle fire, but we kept firing out in front of us for about 20 minutes even though we couldn't see any more of them.

The NVA dropped about two dozen mortar rounds inside our perimeter during the attack, but we were dug in and very little damage was done.

Nobody slept for the rest of the night. I tried to sleep when my 21 Howr relief was over, but when I closed my eyes I could still see the flares popping and the flashes of gunfire.

Eerie Sight

Daybreak brought an eerie sight. Dead NVA were scattered about on the open ground around our perimeter. A couple of troops went out to get a count of the bodies, but they were driven back by sniper fire from the jungle.

A monsoon rain cloud drifted over like a fog and it seemed to sit right down on top of the jungle trees that

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page 4

were all around us. It made me feel like I was inside a round can that someone had put a lid on.

It was quiet. We could hear no sound from the jungle. A cowboy movie came to mind where two cowboys were riding into a town for a gunfight and the streets were deserted. One cowboy says, "It's quiet." And the other cowboy says, "Yeah, too quiet."

I felt sick in my stomach and dizzy. Then I overcame it and laughed to myself because I knew I had had a touch of yellow fever. (Yellow fever was a name I had given to guys during the Korean War who would get sick from fear of combat and throw up and faint. I always scorned them because it had never happened to me.)

Cart Approaches

Then the quiet was broken by a soft rainfall and the creaking sound of a wooden cart drawn along by a water buffalo. The cart was coming out of a jungle path. Several women and children walked behind it. As they reached the open area where the dead lay, the cart stopped.

The women and children began loading the dead NVA onto the cart. Some of the women had meat hooks, and when they picked up a body that had been blown to bits, they used the meat hooks to drag it to the cart and heave it up on the pile.

My stomach flip-flopped again and I turned away. I wondered if they were picking up their husbands and fathers or if the NVA had forced them to go out there, knowing that we wouldn't fire on the women and children.

Our bunker field phone buzzed. Someone from the command post said, "Count those bodies as they load them. Division HQ wants a body count of enemy K.I.A.'s."

FEBRUARY, 1968

During the night time battle we lost only one killed in action and three wounded when a mortar round landed in one of the gun pits. A dust off helicopter came in and lifted them out.

Our team wasn't airlifted out for another two days, and when we were taken out, we had to help set up another communications system at another new fire support base camp before we were airlifted back to the main base camp at Plieku. ■

Firstings Hamburgs

ON JAN. 23, 1952, an American officer and three enlisted men attached to the 9th ROK (Republic of Korea) Division leaped into the rear of a Red Chinese observation post on a hill in South Korea and captured its three occupants.

For the next six hours Pvt. Albert (Al) Hamburg of Gering, Neb., and his Yank companions remained in the observation post with their prisoners, directing the fire of the ROK forces against the enemy. For this action Hamburg and his companions were awarded the Silver Star.

But deeds of derring-do like this might well be expected of a Hamburg of Gering. The Hamburgs have been called America's No. 1 Service Family.

Since 1938, 11 sons of Mr. and Mrs. Conrad Hamburg of Gering have served in units of the United States armed forces.

There have been 10 Hamburgs in the Army and one in the Navy. One served in both the Marine Corps and the Army. Among them they have won a Silver Star, five citations for the Bronze Star, three Purple Hearts and two Commenda-

Hamburg Enlistment Being Investigated

An Army spokesman in Washington, said Wednesday an investigation is under way in the case of Albor Hamburg, 35-year-old Nebraska Army man who says he enlisted under the name of his younger brother.

The Army said private Hamburg could be brought to trial.



Hamburg during Scott's 1954 food price protest.

stationed in Vietnam, has sent letters to newspapers explaining his situation and saying he faces possible military court action for fraudulent enlistment. Pentagon sources declined to specify the nature of the investigation, or to confirm that it involves possible fraudulent enlistment.

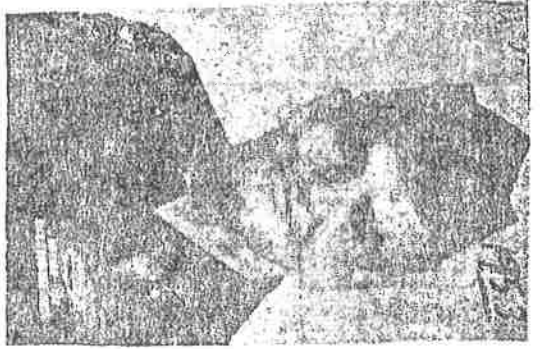
Private Hamburg is one of 11 brothers from Gering who served a total of 11 years in combat in World War II and Korea. He is a Korean War veteran, married and the father of two children.

A steepjack painting contractor in civilian life, Private Hamburg said in a letter from Pleiku earlier this month he had enlisted in the Army under the name of his brother Howard, 26, who lives in Oregon and was unaware of his brother's action.

"I enlisted under another name because I couldn't get into the Army again under my own," the soldier wrote.

Private Hamburg was quoted in a news story from Fort Dix, N. J., in March as saying "it's great, just great," when hearing he had been assigned to Vietnam instead of Europe, where he had been sent while the rest of his company went off to the war in Southeast Asia.

"It was a special company of prior servicemen," Private Hamburg said of his basic training group at Fort Bliss, Tex. "I was the only one who asked to go to Vietnam but they all went and I didn't. I couldn't believe it."



Al Hamburg
Rain no relief

The author of this dispatch is the owner of a painting and decorating business in Scottsbluff, Neb., who became the subject of recent national newspaper publicity when he enlisted in the Army under his brother's name to get to the fighting front in Vietnam.

Currently, he is still on duty while military authorities make a disposition of his case. He served in the Korean War where he was awarded the Silver Star and before that in Germany and Japan. Before shipping out to Vietnam, he wrote frequent articles on painting and steeplejack work for American Painting Contractor.

WAR SEEMS REMOTE

By Pfc. Al Hamburg

IN NA TRANG

Wounded when he steps on pungee sick, GI contractor now fighting battle of chow line

Na Trang, Vietnam—Ever since I became a part of the U.S. Fourth Infantry Division stationed near Pleiku, I thought that once it started raining it would be a welcome relief from the heat and powdered dust.

But now I'm not sure. It has been raining for the past few weeks and it will rain for several more months. Already the ground is turning into a lake of mud.

And when our equipment is bogged down in mud, and when the sky is cloudy and fog hangs low on the ground, then the NVA (North Vietnamese Army) starts pushing at us. So in the months ahead, the Fourth Infantry Division will be in the news.

If it was not for the helicopter here, it would be impossible for us to receive supplies and move at all except by foot.

To Charley Cong, the rainy season is a very welcome time. It is a friend to him because he can move on the ground without being seen from the air.

Last week I was on a Med-Cap guard patrol. Our unit medics go out once a week to treat and give first aid to Montagnard tribesmen in the straw hut villages in our area. A patrol has to go along to guard them, or else

they would be captured if they didn't have some fire power.

It was real muddy all over and each time you stepped, you sank ankle deep in the mud. Some sneaky village V. C., knowing that we would come through the village, had driven some long rails into blocks, filed the ends razor sharp, and placed them under the mud—a very good booby trap. You couldn't see them no matter where you looked or stepped.

Walking along, I stepped right on one of these spikes. It went right through my boot and on through my foot. The pain was so bad I cried.

But no one felt bad about that but me. Everyone was saying, "You're lucky . . . lucky" . . . "Wish I could luck out like that lucky Hamburg . . . now he'll get to lay around in a hospital for days."

And the other day, after four plane rides that scared me half to death, I'm sitting in a tent hospital at Na Trang. It's real hot here; in fact, it's hot as hell here. But I'm right next to a shower building. So, to cool off, I take a cold shower every hour.

You people back in the States are led to believe that all over Vietnam the terrorists are blowing up places right in the cities. True, there have been bombings in Saigon and else-

where, but by and large, these things have been played up too much by reporters who don't want to get out in the jungles and rice paddies where the war is really going on.

Here in Na Trang, it's safer than back in the States. GIs wear civilian clothes and stay in town overnight. They run around on the streets, go to movies and dancing.

They have a real ball here, and the people of Na Trang are really enjoying the profits of the war. Everything is great for the Vietnamese people in places like Na Trang.

From what I can tell, the fighting is going on only in the jungles; while in the cities, from the crowded condition of sidewalks and bars, you could believe that thousands of soldiers are doing nothing at all in real support of the fighting. But this may be just the way it looks.

It is in the small villages of grass huts that people are getting hurt. These are the places where the V.C. operate, not in the larger cities.

In Pleiku, if you were caught out after dark, you would wind up with your throat cut. And after dark around the base camp, anything moving would be shot.

That's where there is a war going on.

The only fighting you can see around places like Na Trang is to get into the chow line. ■ *page 10*

AMERICAN PAINTING CONTRACTOR

JULY, 1967



HENRY HAMBURG, Army
Purple Heart, Bronze Star
Four years service, WW II



JOHN HAMBURG, Navy
Commendation Medal
Five years, WW II & Korea



EDWARD C HAMBURG, Army
Four years service, WW II
England and Norway



BENJAMIN HAMBURG, Army
Purple heart, Bronze Star
Ten years service, WW II

AMERICA'S NO. 1 SERVICE FAMILY!



HAROLD HAMBURG, Army
Bronze Star, three awards
Ten years service, WW II

SO matter-of-factly that their accomplishment has gone virtually unnoticed, a Nebraska family has built a record of military service that gives it fair claim to the title of America's No. 1 Service Family.

Since 1939, 11 sons of Mr and Mrs

Conrad Hamburg, of Gering, have served in America's Armed Forces—seven of them in service simultaneously during World War II, three during the Korean conflict!

In all, the 11 brothers have amassed a total of 68 years' service, including 11 combat years, and are entitled to wear 26 battle stars on the yards of ribbons that adorn their uniforms.

Five of the Hamburgs have been National Guardsmen, too—one in Oregon's 722 AAA B, the other four in Gering's 2k Co, 134 Inf.

One of the brothers served in the Navy during both WW II and Korea, another fought with the Marines in the Pacific before switching over to the Army, but the other nine have perpetuated a family tradition by serving their Country as soldiers.

The Hamburg family were natives of Germany but migrated to Russia late in the last century to become part of a large German farm colony there. Two great-grandfathers of the present generation first fought as German soldiers in the Franco-Prussian War, in 1870. A great-uncle, Henry, later served in the Russian Army, then fought with the Chinese in the Sino-Japanese War of 1894-95. He was captured and sent to Japan



LEROY HAMBURG, Army
Purple Heart
Three years service, WW II



WILLARD HAMBURG, Army
Commendation Medal
Sixteen years, WW II, Korea



ALBERT HAMBURG, Army
Six years service, Europe
and twice in Far East



DANIEL HAMBURG, Army
Three years service
with airborne troops



HOWARD HAMBURG, Army
Five years service, now
stationed in Alaska



THOMAS HAMBURG, Army
Two years service
Currently in training camp



DEPARTMENT OF THE ARMY
BOARD FOR CORRECTION OF MILITARY RECORDS
1941 JEFFERSON DAVIS HIGHWAY, 2ND FLOOR
ARLINGTON, VA 22202-4508

MAR 1993

1993 MAR 10



SFMR-RBR
HAMBURG, ALBERT
517-34-3413

Honorable Alan K. Simpson
United States Senate
Washington, D.C. 20510-5002

Dear Senator Simpson:

This is in response to your letter of 26 January 1993, expressing your interest in the efforts of Albert Hamburg to have his undesirable discharge from the Army in 1967 upgraded. Forwarded with your letter was a "News Release" prepared by Mr. Hamburg and other assorted documents.

I have reviewed the "News Release" and the attachments and find that the package is identical to the package received by the Secretary of the Army on 5 January 1993. On 14 January 1993 I wrote to Mr. Hamburg on behalf of the Secretary. Enclosed for your information is a copy of my letter, which I feel is self-explanatory. At this point I see no reason for further consideration of his case by the Board.

Your interest in this matter is appreciated. I regret my response could not be favorable.

Sincerely,

David R. Kinneer
Executive Secretary

Enclosure

*One of Many demands to
Dept of Army*



DEPARTMENT OF THE ARMY
BOARD FOR CORRECTION OF MILITARY RECORDS
2ND FLOOR, 1941 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202-4508

14 JAN 1993



SFMR-RBR
HAMBURG, ALBERT
517-34-3413

Mr. Albert Hamburg
Route 3, Box A15
Torrington, ~~WY~~ 82240

Wyoming

Dear Mr. Hamburg:

This is in reference to the "News Release" that you forwarded to the Secretary of the Army, which was received in his office on 5 January 1993. It was referred here for appropriate action since you had attached an abbreviated and annotated copy of this Board's Memorandum of Consideration prepared when your application for correction of military records was considered by this Board on 27 July 1988.

As you know, after reviewing your military records and considering your application wherein you had asked for an upgrade of your undesirable discharge, the Board determined that your application had not been filed within the Board's 3-year statute of limitations; and that you had not presented nor did your records contain sufficient justification to conclude that it was in the interest of justice to excuse your failure to timely file.

Since there is nothing in your "News Release" which purports to be a basis for excusing your failure to timely file your application, no further action is contemplated in your case.

Be assured, however, that prior to reaching its determination, the Board looked at your entire record. Had it found merit to your request, the Board no doubt would have exercised its right to waive the statute of limitations in order to grant relief. Unfortunately, the Board did not find merit in your case.

Sincerely,

(signed) David R. Kinneer

David R. Kinneer
Executive Secretary

Social Security Administration
Retirement, Survivors and Disability Insurance
Notice of Award

Western Program Service Center
P.O. Box 2000
Richmond, California 94802

Date: December 11, 1994
Claim Number: 517-34-3413 A

ALBERT HAMBURG
RT 3 BOX A15
TORRINGTON WY 82240

Starting getting 55 in ^{Dec} 1994

We are writing to let you know that you are entitled to monthly retirement benefits from Social Security beginning October 1994.

The amount of your first check is \$ 570.00. - *2 Months*

The monthly earnings test applies only to 1 year. That year is the first year you have a nonwork month after entitlement to Social Security benefits. Our records show that 1994 is the first year in which you had or will have at least 1 nonwork month.

Therefore, benefits for years after that will be payable based solely on your total earnings.

Shortly after December 06, 1994, you will receive your first payment which will include all benefits due you through November 1994. A payment for \$292.00 will be sent on or about January 03, 1995. After that, a payment for \$292.00 will be sent each month.

The following chart shows your benefit amount(s) before any deductions or rounding. The amount you actually receive may differ from your full benefit amount. When we figure how much to pay you, we must deduct certain amounts, such as Medicare premiums. We must also round down to the nearest dollar.

Beginning Date	Benefit Amount	Reason
October 1994	\$ 285.00	Entitlement began
December 1994	\$ 292.90	Cost-of-Living adjustment

In addition to your earnings we used your active military service to figure the amount of your Social Security benefits. Let us know if you qualify for any other Federal benefit (except a Veterans Affairs benefit) based on this military service. Qualification for any other Federal benefit could affect the amount of your Social Security benefit.

Based on the evidence we have, we have decided that your correct date