

Cecil B. Hollifield  
5024 Bolick Road  
Claremont, NC 28610

July 29, 2011

Mr. John S. Corsi  
Department of Veterans Affairs  
National Cemetery Administration  
Memorial Programs Service Processing Site  
220 Athens Way - Suite 102  
Nashville, TN 37228-1346

REF: Elijah Simmons, ID 55124096

Dear Mr. Corsi,

Attached is a copy of your letter of 19 July 2011 in which you have denied my request for a VA grave marker. I wish to appeal your decision based on the following facts as supplied by official Confederate States records:

"Elijah Simmons, a Confederate veteran who enlisted in the Second Company B, 22nd Regiment, NC Troops in Rowan County, North Carolina on Mar 29, 1862. He was reported present or accounted for at or near Kinston, in [March], 1865. Died on April 1, 1865, of wounds. Place of death not reported." [Ref: *NC Troops 1861-1865-A Roster*, Vol. 10, Pg 215]

I have consulted an expert on matters concerning the ultimate fate of Confederate soldiers who died in battles in and around Kinston, NC during the time when Private Simmons was known to have died. All known cemeteries in the area have been searched for any indication of the recorded burial of Private Siimmons. His remains were likely committed for burial in a mass grave with hundreds of other soldiers. No marker was ever erected identifying him by name. I am attaching his affadavit.

According to Section 2306(b)(3) of Title 38 of the United States Code, as supplied by you, I hearby request that you approve a memorial headstone for Private Elijah Simmons based upon the fact that his death was reported but his body was "not recovered or identified." According to Section 2306(b)(3) of Title 38, "In the case of unrecoverable or unidentifiable remains, the circumstances surrounding the Veteran's death should be such to reasonably assume the body was unrecoverable or unidentifiable due to ... burial in a mass grave, etc."

Respectfully submitted,

Cecil B. Hollifield

ENCL:

Affadavit of Mr. Glenwood Fields, researcher  
Amended Form 30-1440