

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 March 2024

DOCKET NUMBER: AR20230008668

APPLICANT REQUESTS: Correction of his records to show all of his military occupational specialties (MOS).

APPLICANT PROVIDES:

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty)

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 he would like (the National Guard) to correct the MOS's of 11B (Light Weapons Infantryman) and 11C (Indirect Fire Infantryman) that were deleted from his DD Form 214.
3. The available records are very limited and do not contain any Army National Guard (ARNG) documentation except for his NGB Form 22 (Report Of Separation and Record of Service).
4. A review of the applicant's available service record shows he enlisted in the ARNG on 14 May 1976 and entered active duty for training on 10 October 1976. He completed training with award of the MOS 11B on 10 February 1977 and was released from active duty and returned to his ARNG unit.
5. An NGB Form 22 shows he served in an ARNG active status until 20 January 1979 in the primary MOS of 52D (Power Generation Equipment Repairmen) with a secondary MOS of 11B.
6. He receive a Bar to Reenlistment on 14 May 1980 for failure to demonstrate an effort in losing the necessary weight to meet standards.

7. The applicant's DA Form 2-1 (Personnel Qualification Record) indicates:

- he was awarded the MOS 52D at a point after 11 February 1977 and before 1 December 1977
- on 1 December 1978 he was ordered to active duty to report on 21 January 1979
- he enlisted in the U. S. Army Reserve on 21 January 1979 with the primary MOS of 52D; there is no indication of a secondary MOS.

8. The applicant was released from active duty on 3 September 1980 in the pay grade of E-3. His DD Form 214 shows he was released from active duty under the provisions of Army Regulation 635-200, Chapter 2, for completion of required service and his service characterization was honorable. He was credited with 1 year, 7 months, and 13 days of net active service this period with 4 months and 1 day of prior active service and 2 years and 24 days of prior inactive service. His MOS is listed as 52D.

9. His available record contains no documentation of the award of the MOS 11C.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.
2. The Board found no evidence of error in any documentation pertaining to the applicant's MOSs. He implies that additional MOSs should be shown on his DD Form 214 for the period ending 3 September 1980; however, there is no evidence showing he held additional MOSs for a period of at least one year during that period of active duty. Based on a preponderance of the evidence, the Board determined there is no error on the DD Form 214 for the period ending 3 September 1980.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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 for correction of the records of the individual concerned.

6/25/2024



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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 15-185 (Army Board for Correction of Military Records (ABCMR)), states the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 635-5 (Separation Documents) prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214. For block 11 (Primary Specialty) from the ERB, enter the titles of all MOS served for at least 1 year and include for each MOS the number of years and months served. For time determination, 16 days or more count as a month. Do not count basic training and AIT.

//NOTHING FOLLOWS//