

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 April 2024

DOCKET NUMBER: AR20230009782

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), military occupational specialty (MOS), from 75B1P to 75B3P. He also requests a personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Letter
- 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 in his application and self-authored letter, in effect:

a. He is requesting a change in his MOS from 75B1P (Personnel Administrative Specialist) to 75B3P for the jump status he had in training before he got injured and had to go to sick call after his third jump. The correction should be made because the answer may be in his medical records, which show his injury to his right ankle from landing incorrectly on his third jump. The medical archives should shed light on his injury. He did not know he could ask for a correction until he got out of the military.

b. Twenty-two years ago, he was in training for airborne status. He jumped out of three perfectly good aircrafts. He injured the nerves in his feet on his third jump and did not want to take the final two jumps to earn his jump status. He is asking the Board to review his sick call medical documents for when the injury occurred. He was the only African American sitting disappointedly on the rocks, while the rest of his jump class received their jump status and graduated from jump school. He wants to make sure the Board takes a closer look at his medical records to determine why he did not get the correct jump status on his DD Form 214.

3. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows the applicant enlisted in the Regular Army on 2 January 2001 in the grade of private/E-1.

b. Enlisted Record Brief, dated 7 November 2001 shows the applicant's MOS as 75B and his Special Qualification Identifier of P (Parachutist). His complete MOS was 75B1P00. He was promoted to private/E-2 on 1 July 2001.

c. The applicant was promoted to private first class (PFC)/E-3 on 2 January 2002.

d. DD Form 214, for the period ending 24 October 2002 shows his primary MOS as 75B1P. He was honorably retired due to disability, temporary, in the rank/grade of PFC/E-3.

e. The applicant's service record is void of MOS orders, orders showing he completed jump school, or a jump log showing the number of jumps he completed.

#### BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows the applicant was trained in MOS 75B. He enlisted in the rank PVT/E-1, and he was separated in the rank of PFC/E-3. The fourth digit of an MOS corresponds to the skill level which is commensurate with rank and grade. Skill level 1 identifies a PVT/E-1 through specialist (SPC)/E-4; skill level 2 identifies a sergeant (SGT)/E-5, and skill level 3 identifies a staff sergeant (SSG)/E-6. Since the applicant held the grade of PFC/E-3 at the time of his retirement from the Army, his MOS is correctly listed as 75B1P. He did not hold the rank of SSG/E-6.

BOARD VOTE:

Mbr 1    Mbr 2    Mbr 3

:            :            :            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.

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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) 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. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. Paragraph 2-4h(11) states primary specialty, 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. For an enlisted Soldier, also specify the first 5 characters of the primary MOS code (MOSC), which includes the 3 characters of the MOS, the fourth character of skill and grade level in the MOS, and the fifth character of a special qualification identifier (SQI), if applicable. Enter 0 when not applicable.

3. 32 C.F. R. section 578.75 (Parachutist Badge - Basic) states to be eligible for award of the basic Parachutist Badge, an individual must have satisfactorily completed the prescribed proficiency tests while assigned or attached to an airborne unit or the Airborne Department of the Infantry School.

4. AR 611-1 (Military Occupational Classification Structure Development and Implementation) states the MOS contains 9 characters. It is used to classify both personnel and positions in authorization documents. The elements of the MOS include:

a. First three characters - The three character numeric-alpha combination identifies the MOS without regard to skill level.

b. Fourth character - This is a number. With the first three characters, it shows skill and grade level in the MOS.

- Skill Level 1 - E1 through E4
- Skill Level 2 - E5
- Skill Level 3 - E6
- Skill Level 4 - E7
- Skill Level 5 - E8
- Skill Level 6 - E9

c. Fifth character - This is either a letter or a number the reflects SQI common to a number of positions and MOS.

d. Sixth and Seventh characters - These are either alpha-numeric or numeric-alpha characters that represent additional skill identifiers (ASI). The number "00" will be inserted at the sixth and seventh characters when a position does not require an ASI or a Soldier is not qualified for award of an ASI.

5. AR 15-185 (Army Board for Correction of Military Records (ABCMR)), prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR.

a. It 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.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//