

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 April 2024

DOCKET NUMBER: AR20230010150

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show:

- Award of the Army Achievement Medal
- The military occupational specialty (MOS) as 11B (Infantryman)

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

- DD Form 149 (Application for Correction of Military Record)
- Personal statement
- Certificate of Training

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 enlisted in the Texas Army National Guard in 1990 with assignment to 111th Combat Engineers. He provides a Certificate of Completion from the Infantry School showing completion of the MOS 11B course. His DD Form 214 shows a MOS of 12B (Combat Engineers), but not 11B (Infantryman).
3. The authority granted by Title 10, U.S. Code, Section 1552 (Correction of Military or Naval Records) is not unlimited. The ABCMR has the authority to correct only Army records. The Board has no authority to correct records created by the Department of Defense, other branches of the Services, Department of Veterans Affairs, or any other governmental agency. In the case of ARNG discharges (NGB Form 22), they are State not Federal actions and primarily under the total control of the State Adjutant General. The ABCMR may only recommend possible actions.

4. A review of the applicant's service record shows he enlisted in the Texas Army National Guard (TXARNG) on 9 April 1990 for training in the military occupational specialty 12B.
5. He entered initial active duty for training (IADT), under the split training option program, on 8 June 1990, he completed basic combat training on 11 August 1990 and reverted to his ARNG unit. No DD Form 214 for this period is available.
6. He entered phase two of his IADT on 4 June 1991, completed training with award of the MOS 12B. He reverted to his ARNG unit upon completion of this training. The DD Form 214 issued at this time shows his MOS as 12B and his character of service as uncharacterized, and award of the Army Service Ribbon.
7. On 30 May 1992, as a member of the ARNG, the applicant completed the 11B Infantryman MOS Qualification Course.
8. Company C, 2nd Battalion, 142nd (M) Infantry, Texas Army National Guard Orders 1-1, dated 2 September 1992, withdrew his primary MOS of 12B and awarded him the primary MOS 11B and the secondary MOS of 12B.
9. The applicant completed the 11B course and was awarded the MOS 11B after his last period of active duty service.
10. State of Texas, Adjutant General's Department Orders 129-186 discharged the applicant from the TXARNG, with an effective date of 8 April 1996. The NGB Form 22 (Report of Separation and Record of Service) issued at this time shows:
  - His period of enlistment was from 9 April 1990 through 8 April 1996
  - His MOS as 12B
  - His character of service as honorable
  - His periods of IADT as 8 June 1990 - 10 August 1990 and 4 June 1991 - 11 July 1991
  - His awards are shown as the National Defense Service Medal and the Army Service Ribbon
  - His military education is listed as Combat Engineer for 5 weeks in July 1991
11. The DD Form 2-1 (Personnel Qualification Record) of record, was prepared on 30 July 1991 with the last entry being at Block 35 (Record of Assignments) of 8 April 1996. The form shows at:
  - a. Item 6 (Military Occupation Specialty), a primary MOS of 11B on 2 September 1992 and a secondary MOS of 12B on the same date. On the line for the MOS 12B is the entry 11 July 1991 as his initial MOS date.

b. Item 18 (Appointments and Reductions) the applicant was advanced in the ARNG from private first class (E-3) to specialist (E-4) on 3 September 1992.

c. Item 35 (Record of Assignments), he was released from the TXARNG on 30 January 1996. It also shows he received an honorable discharge from the TXARNG and was transferred to the USAR Control Group (Annual Training) in accordance with TXARNG Orders #129-183, dated 8 May 1996; these orders are not included in the available record.

12. Department of The Army, U.S. Army Human Resources Command Orders D-09-437833, honorably discharged the applicant from the U.S. Army Reserve effective 29 September 2004.

13. The available records do not contain any evidence that the applicant was considered for or awarded the Army Achievement Medal or that he completed the MOS 11B training during his period of service covered by the available DD Form 214.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

2. The Army Achievement Medal, like all personnel decorations, require a recommendation through and approval by the chain of command, and announcement in official orders. His record did not contain orders for this award and there is no evidence or a recommendation.

3. The DD Form 214 is a summary of a Soldiers active duty service. It is not authorized to be amended to capture awards issued or MOS' awarded after its issuance.

4. His DA Form 2-1 shows the applicant held MOS 12B as his primary MOS from 11 July 1991 to 1 September 1992 (1 year, 1 month, 21 days). On 1 September 1992 primary MOS 12B was withdrawn and he was subsequently awarded primary MOS 11B on 2 September 1992 and secondary MOS 12B on 2 September 1992. The Board recommends correcting the applicant's NGB Form 22 to show he was also awarded MOS 11B on 2 September 1992.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
█	█	█	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army and Army National Guard records of the individual concerned be corrected by correcting block 13 (Primary Specialty Number, Title and Date Awarded) of his National Guard Bureau Form 22 ending 8 April 1996 to add the entry, "11B10 INFANTRYMAN 920902."
  
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to awarding the Army Achievement Medal or correcting his DD Form 214 to add MOS 11B.

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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 600-8-22 (Military Awards) provides the Department of the Army (DA) policy, criteria, and administrative instructions concerning individual and unit military awards.
  - a. The Army Achievement Medal is awarded to any member of the armed forces of the United States, who while serving in a noncombat area on or after 1 August 1981, distinguished themselves by meritorious service or achievement.
  - b. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required. Recommendations must be made within 2 years of the event or period of service and the award must be made within 3 years.
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 and states the DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. //NOTHING FOLLOWS//