

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 October 2024

DOCKET NUMBER: AR20230010950

APPLICANT REQUESTS: in effect, correction of his records to add Military Occupational Specialty (MOS) 11B (Infantryman).

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant's statement
- DA Form 2496-1 (Disposition Form), unknown date

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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:

a. He has been turned down for disability and was told his original MOS did not qualify.

b. When he arrived in Vietnam his final destination was "Dak To." From there he was put on a chopper and flew to hill 1338. When he got there, he was assigned to a squad (11 Bravo) and he spent his first eight months there until he went on "R&R" [rest and recovery]. During that time, he did not see a road for eight months. In those months he became the point man for his squad and the company. We [his unit/squad] did not work out of a base camp where one could take a shower or just get resupplied with clean clothes. In that time, he spent most of his time with a machete in hand.

c. He was in fire fights and tunnels where his unit found a makeshift hospital. He also had two cases of jungle rot. Does this sound like an "11C (Indirect Fire Infantryman)?" He does not know how to prove this to the Board. How about his first sergeant was C_ G_. His second was sergeant J_ B_. The Board could ask him, but he was killed. His company was Bravo, and his squad was 941 to the best of his

recollection. When he came back from R&R he was transferred to mortars (11C). Therefore, he spent the first eight months as 11B (Infantryman). This correction is necessary because he has been turned down for certain disabilities and told 11C would not have been applicable. He would appreciate the Board's help in this manner. He is proud of his service, and he understands how this could happen. But in this case, there has been an omission.

3. A review of the applicant's official military records show the following:

a. He was inducted into the Army of the United States on 2 November 1967.

b. DA Form 20 (Enlisted Qualification Record) shows in:

- item 8 (Duty MOS) – 11B
- item 22 (MOSs) – he was awarded primary MOS (PMOS) 11C (Indirect Fire Crewman) on 22 March 1968
- item 27 (Military Education) – no entry
- item 31 (Foreign Service) – he served in the Republic of Vietnam from 17 April 1968 through 11 April 1969
- item 38 (Record of Assignments) –
 - he attended 11C advanced individual training on 22 January 1968
 - in Vietnam he served in duty MOS 11B (Rifleman/Auto Rifleman) and 11C (Team Leader)

c. On 19 May 1968, the 4th Infantry Division, published Special Orders Number 140, which awarded the applicant the Combat Infantryman Badge. The orders list his MOS as 11B.

d. On 31 October 1969, Headquarters, U.S. Army Personnel Center, Fort Hamilton, NY, published Special Orders Number 215, which released the applicant from active duty and assigned him to the U.S. Army Reserve (USAR) Control Group (Reinforcement) on the same date. His MOS was listed as "11C40."

e. DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he was honorably released from active duty on 31 October 1969 and was transferred to the USAR Control Group (Reinforcement) to complete his remaining Reserve obligation. He completed 1 year, 11 months, and 29 days of net active service, including 11 months and 24 days of foreign service in Vietnam. Item 23a (Specialty Number and Title) shows 11C40, Infantryman Indirect Fire Crewman.

f. On 24 October 1973, the Office of the Adjutant General, USAR Components Personnel and Administration Center, published Letter Orders Number 10-1286925,

which honorably discharged the applicant from the Standby Reserve, effective 1 November 1973. The orders list his MOS as "11C40."

g. The applicant's military personnel records do not contain any orders showing he was ever awarded MOS 11B.

4. In support of his case the applicant provides DA Form 2496-1 showing he was assigned to duty MOS 11B40.

5. The ABCMR does not grant requests for the correction of records solely for making the applicant eligible for veterans or other benefits. The Board decides every case individually based upon its merits when an applicant requests a correction to his military records.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant was formally trained at Fort Polk, LA, completing training for award of MOS 11C on or about 22 March 1968. He then served in Vietnam either as a Rifleman in MOS 11B or Team Leader in MOS 11C. He was awarded the Combat Infantryman Badge in MOS 11B. Upon his reassignment to Fort Hamilton, NY, he also performed in duty MOS 11B. Although his DD Form 214 correctly lists the MOS he was formally trained in and held (11C), the Board determined as a matter of clarity and equity, an entry should be made in the Remarks block to show additional or secondary MOS 11B.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by adding MOS 11B to the Remarks Block of his DD Form 214.

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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, USC, 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) 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, it states that 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. The ABCMR will decide cases based on the evidence of record. It is not an investigative agency.
3. AR 635-5 (Personnel Separations - Separation Documents), in effect at the time of the applicant's separation from active duty, prescribed policies, and procedures regarding separation documents. It also established standardized policy for preparing and distributing the DD Form 214.
 - a. Section III (Instructions for Preparation and Distribution of the Armed Forces of the United States Report of Transfer or Discharge) contains guidance on the preparation of the DD Form 214. It states that all available records will be used as a basis for the preparation of the DD Form 214, including the Enlisted Qualification Record, Officer Qualification Record, and orders.
 - b. The specific instructions for item 23a (Specialty Number and Title) state to enter PMOS code number and title.

//NOTHING FOLLOWS//