

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 17 May 2024

DOCKET NUMBER: AR20230011728

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) to show in:

- item 16a (Primary Specialty Number and Title): 13F (Forward Observer)
- item 26 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):
 - Expert Marksmanship Qualification Badge with Mortar Bar
 - Expert Marksmanship Qualification Badge with Pistol Bar (.45 cal)

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- AETSB (Marne) Form 281 (Proficiency Identification), 3 June 1973
- Special Orders Number 77, 18 March 1974
- Character Letter, 12 July 1974
- DA Form 2166-4 (Enlisted Efficiency Report), 26 August 1974
- DD Form 214 (Report of Separation from Active Duty), for the period ending 29 August 1974

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:

a. His DD Form 214 shows his primary specialty as 11C (Infantry Indirect Fire Crewman). While at Fort Polk, LA he tested for mortars and passed as an Expert Mortarman. Item 26 of his DD Form 214 is missing his Expert Marksmanship Qualification Badge with Mortar Bar.

b. While at his permanent duty station he was trained as a Forward Observer for 81-millimeter mortars. His experience helped his platoon pass at the expert level; however, his DD Form 214 does not show his time as an Expert Forward Observer. He provides letters and enlisted efficiency reports that show his time as a Forward Observer.

c. He was awarded an Expert Marksmanship Qualification Badge with Pistol. He provided his credentials which shows he operated various vehicles and he had to qualify with a firearm prior to testing for his driver's license.

d. His DD Form 214 shows he was awarded the Expert Infantryman Badge. This was only awarded to six individuals in his battalion. This does not prove his other awards; it does show his attitude and determination to achieve at the highest level.

3. On 7 September 1972, the applicant was enlisted in the Regular Army. He was awarded the military occupational specialty (MOS) 11C.

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

a. Item 22 (MOS) – 11C20 (Infantry Indirect Fire Crewman).

b. Item 27 (Military Education) – Infantry Indirect Fire, 11C, Fort Polk, LA, 1973.

c. Item 38 (Record of Assignments): in part, the applicant was assigned to Company B, 1st Battalion, 15th Infantry, U.S. Army Europe, Germany, from 6 February 1973 to 26 August 1974, in the duty MOS "11C," and the principal duty "Radio Telephone Operator."

d. Item 41 (Awards and Decorations):

- National Defense Service Medal
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- Expert Infantryman Badge

5. The applicant provides:

a. The AETSB (Marne) Form 281, which shows in part, on 3 June 1973 the applicant qualified on various vehicles and equipment.

b. Special Orders Number 77, issued by Headquarters, U.S. Army Europe, dated 18 March 1974, shows in part, the applicant's MOS as 11C20.

c. A character letter, dated 12 July 1974, issued by his platoon leader, which shows in part, while the applicant was assigned to Company B, 1st Battalion, 15th Infantry, his primary job was Forward Observer for the 81-milimeter mortar section. As such the applicant had to read maps, call for fire message, transmit the record through codes, and use a FM radio.

d. The DA Form 2166-4 (Enlisted Efficiency Report), for the period August 1973 through August 1974, shows in part, the applicant's duty position title as Forward Observer. His rater states, "the [applicant] performed his duties as a Forward Observer in the weapons platoon in an outstanding manner. His devotion to duty and knowledge as a Forward Observer greatly enhanced the section passing their mortar test."

6. On 29 August 1974, he was honorably released from active duty. His DD Form 214 shows he completed 1 year, 11 months, and 23 days of active service. It also shows in:

- item 16a: 11C20, Infantry Indirect Fire Crewman, 19 January 1973
- item 17a (Secondary Specialty Number bad Title): None
- item 26: National Defense Service Medal, Marksman Marksmanship Qualification Badge with Rifle Bar (M-16), and the Expert Infantryman Badge First Class

7. His records are void of orders announcing the requested MOS, military education qualifications, and additional badges.

8. By regulation, item instructions for entries on the DD Form 214 show, in pertinent part:

- item 16a: enter the MOS code, title, and date of award
- item 17a: enter the MOS code, title, and date of award
- Item 26: enter from DA Form 20 all decorations, service medals, campaign credits and badges awarded or authorized
- Item 27: the remarks section will be used for entries for which a separate item is not available on the DD Form 214; listing formal, in-service training courses successfully completed during this period of service, combat skills will not be listed

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive

review based on law, policy, and regulation. The applicant served in Vietnam from 18 October 1969 to 14 October 1970.

2. Upon review of the applicant's petition and available military records, the Board determined his record is absent orders or evidence that shows he was awarded the military occupational specialty (MOS) 13F (Forward Observer). Additionally, his assignment history does not show he served in the duty MOS of 13F.

3. Upon review of the applicant's petition and available military records, the Board determined his record is absent orders or documentation awarding him the Expert Marksmanship Qualification Badge with Mortar Bar and Expert Marksmanship Qualification Badge with Pistol Bar (.45 cal). His weapons qualifications for the rifle are accurately reflected on his DD Form 214.

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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 635-5 (Separation Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The specific instructions for:

- item 16a and 17a: enter primary MOS code number, title, and date of award. In addition enter PMOS evaluation.
- item 26: enter from DA Form 20, all decorations, service medals, campaign credits and badges awarded or authorized
- item 27: the remarks section will be used to complete entries too long for their respective blocks.

3. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The qualification badge is awarded to indicate the degree – Expert, Sharpshooter, and Marksman -- in which an individual has qualified in a prescribed record course. An appropriate bar is furnished to denote each weapon with which the individual has qualified.

//NOTHING FOLLOWS//