

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 September 2024

DOCKET NUMBER: AR20230014377

APPLICANT REQUESTS: amendment of her DD Form 214 (Report of Separation from Active Duty) to show the following:

- items 6a (Grade, Rate, or Rank): specialist (SPC)
- item 6b (Pay Grade) – E-4
- item 16a (Primary Specialty Number and Title) – 91C10 – Clinical Specialist
- item 16b (Related Civilian Occupation and Dictionary of Occupational Titles Number) – Licensed Vocational Nurse
- item 17a (Secondary Specialty Number and Title) – 91B10 – Medical Specialist
- item 17b (Related Civilian Occupation and DOT Number) – Nurse's Aide Assistant – 079.368
- item 27 (Remarks) – Medical Specialist Course – 91B and Clinical Specialist Course with Clinical Specialist Course – 91C

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Physician's memorandum for record (MFR)
- Two Academy of Health Sciences Diplomas
- Provider/Author Response
- Social Security Administration (SSA) letter

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 2018, the Department of Veterans Affairs (VA) made her unemployability determination, but they missed the fact that, while a member of the U.S. Army Reserve (USAR), her primary military occupational specialty (MOS) was 91C, and that, as a prerequisite, she had to first complete training in MOS 91B.

a. Even though her Primary Care Physician provided VA an MFR explaining the applicant's training requirements, and a Fort Sam Houston Army Education Center guidance counselor confirmed that Soldiers undergoing MOS 91C training had to first complete the 91B course, the VA did not amend its decision. The VA based its determination solely on what her DD Form 214 reflected.

b. The applicant notes she is a survivor of military sexual trauma, and she has been trying for over 5 years to correct VA's misunderstanding of the MOSs she held while a member of the USAR.

c. In support of her request, she provides a copy of her DD Form 214; her primary care physician's MFR; an SSA letter announcing the approval of disability benefits; and VA's notes where a VA official explains, "All DD214's on official records state 91B and not 91C, so I am not able to change that." The applicant did not include a copy of her orders promoting her to SP4.

3. A review of the applicant's service records show:

a. On 12 April 1977, the applicant enlisted into the USAR for 3 years. On 6 May 1977, she entered initial active duty for training (IADT). On or about 1 July 1977, she completed basic combat training at Fort Jackson, SC, and orders transferred her to Fort Sam Houston, TX for advanced individual training. On 12 August 1977, while participating in the Basic Medical Specialist Course (MOS 91B), her training leadership promoted her to private (PV2)/E-2.

b. On 25 August 1977, the applicant graduated from the Basic Medical Specialist Course (91B). On 5 October 1977, the applicant began the Clinical Specialist Course (91C). Effective 9 March 1978, the applicant's training chain of command promoted her to private first class (PFC)/E-3. On 2 August 1978, the applicant successfully completed 91C training.

c. On 2 August 1978, she was honorably released the applicant from IADT and returned her to her USAR Troop Program Unit (TPU). Her DD Form 214 shows she completed 1 year, 2 months, and 27 days of active duty service. It also shows in:

- items 6a: PFC
- item 6b: E-3
- item 16a: 91B10 – Medical Specialist – 770825/None
- item 16b: Medical Assistant – 079.368
- item 17a: NA
- item 17b: NA
- item 27: Medical Specialist Course; Clinical Specialist Course

d. First U.S. Army Orders, dated 17 October 1978, transferred the applicant from her TPU in NC to a USAR unit in TX, effective 1 October 1978; the orders listed her rank as "PFC." Effective 1 July 1979, Fifth U.S. Army Orders reassigned the applicant to the USAR Control Group (Reinforcement); the orders reflected her rank as "PFC." On 11 April 1980, orders issued by the Office of The Adjutant General, Reserve Components Personnel and Administration Center, honorably discharged the applicant from the USAR; the orders stated her rank as "PFC."

e. The applicant's DA Form 2-1 (Personnel Qualification Record – Part II) lists her primary MOS as 91C, and 91B as her secondary.

### BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that partial relief was 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 evidence of record shows the applicant was awarded primary military occupational specialty (MOS) 91C (Clinical Specialist) on 26 July 1978 and MOS 91B (Medical Specialist) as a secondary MOS awarded on 25 August 1977, therefore sufficient evidence exists to amend his DD Form 214 to show his primary MOS as 91C and secondary MOS as 91B for the period ending 2 August 1978.

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 promoted to specialist (SPC)/E-4 and therefore the Board denied this portion of his request to amend his DD Form 214 from private first class (PFC)/E-3 to SPC/E-4.

3. Upon review of the applicant's petition and available military records, the Board determined his record is absent documentation which would show a related civilian occupation and D.O.T number associated with his 91C (Clinical Specialist) MOS to amend his DD Form 214 to show Licensed Vocational Nurse and/or Nurse's Aide Assistant and therefore the Board denied this portion of his request.

4. Upon review of the applicant's petition and available military records, the Board determined the remarks section of his DD Form 214 accurately reflects the courses in which he completed during this portion of his active duty service and denied this portion of his request.

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 partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 2 August 1978 to show in:

- item 16a (Primary Specialty Number and Title): 91C (Clinical Specialist)
- item 17a (Secondary Specialty Number and Title): 91B (Medical Specialist)

2. The Board further determined that 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 any additional amendments of his DD Form 214 in excess of the above.

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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) 611-201 (Enlisted Career Management Fields (CMF) and Military Occupational Specialties (MOS)), in effect at the time, prescribed policies for the management of enlisted MOS.

a. Medical Specialists (MOS 91B) performed routine patient care and treatment procedures. Related civilian occupations included the following:

- Medical Assistant – Dictionary of Occupational Titles (DOT) Code 079.368
- First Aid Attendant – DOT Code 354.878
- Nurse's Aide – DOT Code 355.878
- Ambulance Driver – DOT Code 913.883

b. Clinical Specialists (MOS 91C) had to be able to perform the duties of a 91B Medical Specialist. Additionally, they performed preventative, therapeutic and emergency nursing care procedures. The DOT Code was the following: Licensed Practical Nurse – DOT Code 079.378.

3. AR 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures for the completion of the DD Form 214. It provided the following guidance for DD Form 214 preparers:

- Items 6a (Grade, Rate, or Rank) and 6b (Pay Grade) – enter the active duty grade and pay grade held at the time of separation
- Item 16a (Primary Specialty Number and Title) – enter the primary MOS code, title, and date of award; if a Skill Qualification Test has been completed, show the score and test date
- Item 16b (Related Civilian Occupation and DOT Number) – consult either the Dictionary of Occupational Titles or refer to the DOT provided in AR 611-201
- Item 17a (Secondary Specialty Number and Title) – enter the secondary MOS code, title, and date of award
- Item 17b (Related Civilian Occupation and DOT Number) – consult either the Dictionary of Occupational Titles or refer to the DOT provided in AR 611-201
- Item 27 (Remarks) – "List in-service training courses successfully completed during this period of service; e.g., medical and dental, electronics, supply, administration, personnel, or heavy equipment operations."

4. AR 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. It begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//