

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 October 2024

DOCKET NUMBER: AR20240002542

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release of Discharge from Active Duty) to show a combat military occupational specialty (MOS)
- a video/telephonic appearance before the Board

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

DD Form 149 (Application for Correction of Military Record)

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 is requesting correction to his DD Form 214 to show his MOS as a combat MOS. He further explains that although his duty MOS was 72C (Switchboard Operator), he was performing the duties of a 36C (Wire Systems Installer) while assigned to 196th Infantry Brigade. The 196th Infantry Brigade was performing operations with the 23rd Infantry Division, which was a combat unit.
3. The applicant's service record reflects the following:
 - a. The applicant has prior honorable active service from 14 April 1969 to 13 April 1971.
 - b. He enlisted in the Regular Army on 12 July 1971.
 - c. Orders 243-16, 21 December 1982, show he was awarded the primary MOS (PMOS) of 63H (Automotive Repairman) and as a secondary MOS (SMOS) 36C, effective 3 January 1983.

d. Orders 235-13, 27 September 1987, show he was awarded the SMOS of 31L (Cable Systems Installer-Maintainer), effective 23 September 1987.

e. DA Form 2-1 (Personnel Qualification Record) shows in:

(1) Item 5 (Oversea Service):

- Vietnam: 18 September 1969 to 16 September 1970
- Germany: 19 May 1973 to 20 September 1976
- Panama: 11 July 1979 to 17 July 1982
- Panama: 19 November 1984 to 21 December 1987

(2) Item 6 (MOS)

- SMOS: 36C, effective 12 July 1971
- PMOS: 63H, effective, 23 September 1980

(3) Item 9 (Awards):

- Overseas Service Ribbon (second award)
- Army Good Conduct Medal (fifth award)
- Army Service Ribbon
- Noncommissioned Officer Professional Development Ribbon (second award)
- National Defense Service Medal
- Vietnam Service Medal with four bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Combat Infantryman Badge
- Army Commendation Medal (second award)
- Army Achievement Medal

(4) Item 35 (Record of Assignments): 196th Infantry Brigade, from 23 February 1981 to 17 July 1982.

f. His DD Form 214 shows he was honorably retired from active duty on 31 August 1989. He completed 13 years, 4 months, and 6 days of active service, and 6 years, 9 months, 10 days of prior active service. His grade at the time of retirement was sergeant first class (E-7). It also shows in:

(1) Item 11 (MOS): 63H and 36C

(2) item 12F (Foreign Service): 5 years, 1 month and 10 days

(2) item 13 (Awards):

- Army Service Ribbon
- Army of Occupation Medal
- Overseas Service Ribbon (third award)
- Army Good Conduct Medal (sixth award)
- Noncommissioned Officer Professional Development Ribbon (second award)
- Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Army Commendation Medal (second award)
- Army Achievement Medal
- National Defense Service Medal
- Combat Infantryman Badge

4. The service record is void of the following:

- DD Form 214 for the period of service from 14 April 1969 to 13 April 1971
- MOS Orders and/or certificates awarding the applicant the MOS of 11B

5. Army Regulation 15-185 (Army Board for Correction of Military Records), currently in effect, states an applicant is not entitled to a hearing before the Board; however, the request for a hearing may be authorized by a panel of the Board or by the Director of ABCMR.

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. 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 a combat military occupational specialty (MOS). The Board noted the applicant's award of the Combat Infantryman Badge; however, determined that was not sufficient evidence to support award of a combat MOS. The evidence of record shows the applicant held MOS 63H (Track Vehicle Repairer) and 36C (Wire System Installer) as outlined on his Personnel Qualification Record and DD Form 214.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, 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.

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.

ADMINISTRATIVE NOTE(S):

A review of the SM's records shows he is authorized additional awards not listed on his DD Form 214 for the period ending 31 June 1989. As a result, amend his DD Form 214 by amending item 13 (Awards) to show he was authorized the following awards:

- Vietnam Service Medal (VSM) with four bronze service stars
- Republic of Vietnam Campaign Medal

REFERENCES:

1. Title 10 (Armed Forces), 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 15-185 (Army Board for Correction of Military Records), currently in effect, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. 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 may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. 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.

3. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) paragraph 8 campaign participation credits shows he was authorized four bronze campaign stars for the following campaigns:

- Vietnam Summer-Fall 1969
- Vietnam Winter-Spring 1970
- DA Sanctuary Counteroffensive
- Vietnam Counteroffensive, Phase VII

4. Army Regulation 635-5 (Separation Documents) in effect at the time, states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation.

5. DA Pam 611-21 (Military Occupational Classification and Structure), provides a summary of officer, warrant officer, and enlisted classification structures. The procedures contained in this pamphlet implement policy contained in AR 611-1. The latest approved changes to procedures, specifications, and standards of grade (SG) contained in this pamphlet are available in Smart-book DA Pam 611-21 located at <https://www.army.mil/g-1#org-g-1-publications>. Army agencies and other users worldwide may access the site as needed to use in management of personnel and the personnel force structure.

a. The infantryman supervises, leads, or serves as a member of an infantry activity that employs individual small arms weapons or heavy anti-armor crew served weapons, either vehicle or dismounted in support of offensive and defensive combat operations.

b. The highest grade an individual may be reclassified into MOS 11B without a waiver is a non-promotable E5 (SGT). Soldiers reclassifying into MOS 11B must complete a mandatory MOS 11B course conducted under the auspices of the U.S. Army Infantry School. Promotable SGT and non-promotable SSG may request a waiver.

6. Army Regulation 600-8-22 (Military Awards), currently in effect, provides Department of the Army policy, criteria, and administrative instructions concerning individual military decorations, Army Good Conduct Medals, service medals and ribbons, combat and special skill badges and tabs, unit decorations, trophies, and similar devices awarded in recognition of accomplishments. It prescribes the policies and procedures concerning U.S. Army awards to foreign military personnel and foreign decorations to U.S. Army personnel. The Republic of Vietnam Campaign Medal is awarded by the government of the Republic of Vietnam to Servicemembers of the U.S. Armed Forces and authorized by DODM 1348.33, Volume 3. To qualify for award personnel must meet one of the following requirements:

a. Soldiers that have served in the Republic of Vietnam for 6 months during the period from 1 March 1961 to 28 March 1973, inclusive.

b. Have served outside the geographical limits of the Republic of Vietnam and contributed direct combat support to the Republic of Vietnam and Armed Forces for 6 months. Individuals must meet the criteria established for the AFEM (Vietnam) or the VSM, during the period of service required to qualify for the Republic of Vietnam Campaign Medal.

//NOTHING FOLLOWS//