

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 December 2024

DOCKET NUMBER: AR20240003462

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 30 April 1997, to show in:
 - item 11a (Primary Specialty) - 11B (Infantryman)
 - item 14 (Military Education) - Infantryman Course
- 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)
- DA Form 2-1 (Personnel Qualification Record – Part II)

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 his current DD Form 214 does not show his service as a combat infantryman or other combat arms. His DD Form 214 should reflect his training and service in combat arms.
3. A review of the applicant's service record shows:
 - a. On 21 April 1975, the applicant enlisted in the Regular Army. He completed advanced training for award of the military occupational specialty (MOS) 11B.
 - b. On 30 April 1978, the applicant was honorably released from active duty due to a reenlistment. His DD Form 214 shows he completed 2 years, 11 months, and 10 days of active service this period. It also shows in:

- item 16a (Primary Specialty Number and Title) – 11B (Infantryman)
- item 27 (Remarks) – “Mil and Civ training this period: Infantryman, 11B”

c. His DA For 2-1 shows, in pertinent part, in item 35 (Record of Assignments):

- 11B10 from 23 June 1975 to 15 August 1978
- 35M10 from 16 August 1978 to 30 November 1989
- 68P40 from 1 December 1989 through retirement

d. A second DD Form 214 shows active duty status from 31 March 1978 to 30 April 1997. He was honorably retired from active duty. He completed 19 years and 1 month of active service this period with 2 years, 11 months, and 10 days of total prior active service. His DD Form 214 also shows in:

- item 11 (Primary Specialty): 35W4H, Communications Electronic Maintenance; and 68P40, Avionic Maintenance Supervisor
- item 14 (Military Education): does not include 11B Infantryman

4. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

5. By regulation (AR 635-5), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

a. Item 11 (Primary Specialty) – from the enlisted record brief (ERB), enter the titles of all military occupational specialty (MOS) or area of concentration (AOC) served for at least 1 year and include for each MOS/AOC the number of years and months served. For time determination, 16 days or more count as a month.

b. Item 14 (Education), from the ERB, list formal in service course training course successfully completed during the period of service covered by the DD Form 214. This information is to assist the soldier in job placement and counseling therefore do not list training courses for combat skills.

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.

a. Primary Specialty – 11B (Infantryman). Partial. The Board concluded the applicant served a portion of his term of service as an 11B and therefore his DD Form 214 should reflect 4 months and 16 days as an 11B (Infantryman) in addition to the existing MOSs reflected on his DD Form 214.

b. Military Education – Infantryman Course. Deny. The Board concluded that although the applicant did complete the infantryman course in 1975, it is properly recorded on his 30 March 1978 DD Form 214 and should not be annotated on his 30 April 1997 DD Form 214 as it was not completed during that period of service.

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:

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 30 April 1997 to show in item 11 (Primary Specialty): 11B (Infantryman) – 4 months and 16 days.

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.

3/25/2025

X

CHAIRPERSON

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 15-185 (ABCMR) 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, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that 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. Army Regulation 635-5 (Separation Documents), states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. The information entered thereon reflects the conditions as they existed at the time of separation.

a. Item 11 (Primary Specialty) – from the enlisted record brief (ERB), enter the titles of all military occupational specialty (MOS) or area of concentration (AOC) served for at least 1 year and include for each MOS/AOC the number of years and months served. For time determination, 16 days or more count as a month.

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//NOTHING FOLLOWS//