IN THE CASE OF:

 BOARD DATE: 18 December 2014

 DOCKET NUMBER: AR20140008366

THE BOARD CONSIDERED THE FOLLOWING EVIDENCE:

1. Application for correction of military records (with supporting documents provided, if any).

2. Military Personnel Records and advisory opinions (if any).

THE APPLICANT'S REQUEST, STATEMENT, AND EVIDENCE:

1. The applicant requests correction of item 11 (Primary Specialty) of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his primary military occupational specialty (PMOS) as 88M (Motor Transport Operator) vice 68K (Medical Laboratory Specialist).

2. The applicant states, in effect, he was never a 68K, and while he was in the U.S. Marine Corps his MOS was 1142 (Electrical Equipment Repair Specialist).

3. The applicant provides:

* 2 DD Forms 214
* his National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service)
* his Honorable Discharge Certificate
* a Certificate of Training for Motor Transport Operator Course, Phase II
* a DA Form 1059 (Service School Academic Evaluation Report)

CONSIDERATION OF EVIDENCE:

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 Army Board for Correction of Military Records (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. While it appears the applicant did not file within the time frame provided in the statute of limitations, the ABCMR has elected to conduct a substantive review of this case and, only to the extent relief, if any, is granted, has determined it is in the interest of justice to excuse the applicant's failure to timely file. In all other respects, there are insufficient bases to waive the statute of limitations for timely filing.

2. Available records show, after an initial enlistment in the U.S. Marine Corps, he enlisted in the Oregon Army National Guard on 6 January 2009 in the rank/grade of sergeant/E-5. As part of his enlistment, he agreed to receive training in MOS 68W (Health Care Specialist).

3. He provides a DA Form 1059 that shows he completed Phase II of MOS 88M from 17 March 2009 to 31 March 2009. Item 5 (Specialty/MOS Code) of this form shows the entry "68W" and item 14 (Comments) shows the entry "Soldier has completed both phase I and II of the 88M MOS Qualification course and can be awarded the MOS 88M."

4. He was ordered to active duty on 2 May 2009 and he served in Iraq from 11 July 2009 to 13 April 2010, where he was assigned to B Company, Task Force Atlas, 41st Brigade Combat Team.

5. His records show he received 2 Noncommissioned Officer Evaluation Reports (NCOER), for the respective periods 2 May 2009 through 30 November

2009 and 1 December 2009 through 1 May 2010. Part I (Administrative Data), sub-item e. (PMOS) of each of these NCOERs shows his PMOS as 88M. The duty MOS is shown as 00F (MOS Immaterial).

6. There is no indication he was trained in, awarded, or served in MOS 68K.

7. On 15 May 2010, he was honorably released from active duty due to completion of his required active service. Item 11 of his DD Form 214 shows the entry "68K2O Medical Laboratory Specialist, 1 year and 0 months."

8. Army Regulation 635-5 (Separation Documents), in effect at the time, established the standardized policy for preparing and distributing the DD Form 214. Chapter 2 contains guidance for preparation of the DD Form

 214. It states the primary specialty will be taken from the Enlisted Record Brief. The entry should include the titles for all MOS in which the service member served for at least 1 year, and include the number of years and months served.

DISCUSSION AND CONCLUSIONS:

The applicant's record is void of any reference to being trained, awarded, or performing duties in the MOS 68K; therefore it is clear an administrative error occurred. Although he enlisted for the MOS 68W, he provides a DA Form 1059 showing he successfully completed training for the MOS 88M. His record also contains two NCOERs showing his PMOS as 88M. Based upon the foregoing, his DD Form 214 should be corrected to show his PMOS as 88M.

BOARD VOTE:

\_\_\_x\_\_\_\_ \_\_\_x\_\_\_\_ \_\_\_x\_\_\_\_ GRANT FULL RELIEF

\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ GRANT PARTIAL RELIEF

\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ GRANT FORMAL HEARING

\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined that the evidence presented was 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:

* deleting from item 11 the entry, "68K2O, Medical Laboratory Specialist- 1 YRS 0 MOS// NOTHING FOLLOWS"
* adding to item 11 the entry, "88M2O, Motor Transport Operator, 1 year, 0 months// NOTHING FOLLOWS"

\_\_\_\_\_\_\_\_\_\_\_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.