

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 November 2023

DOCKET NUMBER: AR20230000017

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer of Discharge) for the period ending 2 December 1967.

- to show he was authorized the Army Good Conduct Medal (AGCM), that he served overseas in Vietnam and a copy of his Honorable Discharge Certificate
- a video teleconference before the Board

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:  
DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States Code (USC), 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, that he served in the Vietnam War; however, his DD Form 214 does not reflect that he served overseas. He tried to have his record corrected several times in the 1970's but was told that there was a fire in the National Personal Records Center in St. Louis and that his original files were lost, so he gave up trying to correct his record. He also did not receive his formal discharge certificate, nor his AGCM.
3. A review of the applicant's service record shows:
  - a. On 3 December 1965, he was inducted into the Army of the United States.
  - b. On 2 June 1967, he received an Article 15 for, without proper authority, failed to go to his appointed place of duty. He received a forfeiture of \$25.00, reduction to the grade of E-3 (suspended), restriction to the company area for 14 days and extra duty for 14 days. He did not appeal.
  - c. DA Form 20 (Enlisted Qualification Record) reflects the following information:

- Item 31 (Foreign Service) – None
- Item 38 (Record of Assignments) – does not reflect any overseas duty. It also shows he received either unknown, good, fair or excellent ratings in conduct and efficiency during his period of service
- Item 41 (Awards and Decorations) – does not reflect the AGCM

d. DD Form 214 for the period ending 2 December 1967 shows he was honorably released from active duty. He completed 2 years of net service this period. This document also reflects the following:

- Item 13a (Character of Service) – “Honorable”
- Item 16 (Terminal Date of Reserve Obligation): “2 Dec 1971”
- Item 22c (Foreign and/or Sea Service) “0 0 0”
- Item 24 (Decorations, Medals, Badges, Commendation, Citations and Campaign Ribbons Awarded or Authorized) does not reflect he was awarded the AGCM

e. His record does not reflect any orders authorizing the award of the AGCM or any documentation to show he was recommended for the award. In addition, his record does not show he was issued an Honorable Discharge Certificate.

#### BOARD DISCUSSION:

1. 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.

2. After reviewing the application, all supporting documents and the evidence found within the military record, the Board determined that relief was not warranted. Documentation available for review shows the applicant received an Article 15 for failing to go to his appointed place of duty. As such, the Board agreed that he would not have been eligible for the Army Good Conduct Medal as evidenced the lack of supporting documentation in the record. After due consideration of the request, the Board determined the evidence presented did not meet the burden of proof in determining an error or injustice and a recommendation for relief is not warranted.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

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.



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 NOTES:

A review of the applicant's records shows he is authorized additional awards not listed on his DD Form 214. As a result, issue the applicant an Honorable Discharge Certificate for his period of service.

REFERENCES:

1. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within three 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 three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation 672-5-1 (Awards), in effect at the time, states the AGCM was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all "excellent" conduct and efficiency ratings. Ratings of "Unknown" for portions of the period under consideration were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.
3. Army Regulation 15-185 (Army Board for Correction of Military Records) 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 ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states applicants do not have a right to a formal hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//