

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 8 December 2023

DOCKET NUMBER: AR20230004718

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) to show the awards of the Army Good Conduct Medal (1st Award), Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16), and Expert Marksmanship Qualification Badge with Grenade Bar.

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 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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's requested relief for the addition of the Army Good Conduct Medal (1st Award) to his DD Form 214 is supported by sufficient evidence; as a result, this portion of the requested relief will be addressed in the "ADMINISTRATIVE NOTE(S)" section and will not be considered by the Board.
3. The applicant states his DD Form 214 is missing the above-stated awards; he would like the corrections made because he earned those accolades.
4. A review of the applicant's service record reveals the following:
 - a. On 24 June 1971, the applicant enlisted into the Regular Army for 3 years; upon completion of initial entry training, orders assigned him to Germany, and he arrived at his new unit, on 11 January 1972.
 - b. On 1 May 1974, Headquarters, U.S. Army Europe and Seventh Army General Orders awarded the applicant the Army Good Conduct Medal (1st Award). On or about

13 June 1974, the applicant completed his tour in Germany, and orders reassigned him to Fort Jackson, SC, for separation processing.

c. On 18 June 1974, the Army honorably released the applicant from active duty and transferred him to the U.S. Army Reserve to complete his remaining military service obligation.

d. The applicant's available service record is void of Special Orders awarding him the Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16), and Expert Marksmanship Qualification Badge with Grenade Bar. His DA Form 20 (Enlisted Qualification Record) includes the following entries:

- Item 29 (Qualification in Arms) – Applicant qualified on a Train-Fire range as a Sharpshooter, on or about 8 August 1971; there is no entry concerning the hand grenade
- Item 41 (Awards and Decorations) – Applicant shows the award of a Sharpshooter Qualification Badge with Rifle Bar (M-16); nothing indicating the award of an Expert Marksmanship Qualification Badge with Grenade Bar

5. Army Regulation (AR) 672-5-1 (Awards), in effect at the time, stated basic marksmanship qualification badges were awarded to reflect the degree to which a Soldier had qualified on a specific weapon at a prescribed record course; badge awards were announced by Special Orders.

a. The badges had three classes: Expert, Sharpshooter, and Marksman, and an appropriate component bar was furnished to denote each weapon with which the Soldier had qualified. Only the weapons listed in the regulation were authorized components bars, and both the rifle and the grenade were included on the list.

b. An award for a previous qualification was automatically revoked whenever the Soldier failed to attain the same level of qualification during a subsequent weapons qualification.

6. AR 15-185 (ABCMR), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR 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 correct, 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 accurate.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that a portion of the requested relief was warranted. The Board carefully considered the applicant’s contentions, military record, and regulatory guidance. Evidence of record shows that the applicant qualified for and was awarded the Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16) and a correction to his record is warranted.
2. Further review did not reveal evidence sufficient to show that the applicant qualified for or was awarded the Expert Marksmanship Qualification Badge with Grenade Bar. Therefore, the Board denied that portion of the requested relief.
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.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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:	:	:	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 a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending his DD Form 214 for the period ending 18 June 1974 to show in item 13 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- Army Good Conduct Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

2. The Board further determined the evidence presented 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 the award of the Expert Marksmanship Qualification Badge with Grenade Bar.



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):

1. AR 635-5 (Separation Documents), in effect at the time, required DD Form 214 preparers to list awards and decorations for all periods of service.
2. The evidence of record shows a General Order awarded the applicant the Army Good Conduct Medal (1st Award).
3. Based on the foregoing, amend the applicant's DD Form 214, ending 18 June 1974, by adding the Army Good Conduct Medal (1st Award).

REFERENCES:

1. Title 10, USC, 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. AR 672-5-1, in effect at the time, stated basic marksmanship qualification badges were awarded to reflect the degree to which a Soldier had qualified on a specific weapon at a prescribed record course; badge awards were announced by Special Orders.

a. The badges had three classes: Expert, Sharpshooter, and Marksman, and an appropriate component bar was furnished to denote each weapon with which the Soldier had qualified. Only the weapons listed in the regulation were authorized components bars, and both the rifle and the grenade were included on the list.

b. An award for a previous qualification was automatically revoked whenever the Soldier failed to attain the same level of qualification during a subsequent weapons qualification.

3. AR 15-185, currently in effect, states:

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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 there is a greater than 50-50 chance that what he/she claims is accurate.

//NOTHING FOLLOWS//