

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 January 2024

DOCKET NUMBER: AR20230005443

APPLICANT REQUESTS: Award of the Army Good Conduct Medal (AGCM).

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 earned it though honorable service he completed from 8 September 1976 to 7 September 1979.
3. The applicant's records are limited and for the most part poorly recorded on microfiche.
4. The applicant enlisted in the Regular Army on 8 September 1976, completed training and was awarded the primary military occupational specialty (MOS) of 17R (Ground Surveillance Radar Crewman) and a secondary MOS 05C (Radio Teletype Operator).
5. The applicant was honorably released from active duty, as a specialist four with transferred to the U. S. Army Reserve Control Group (Reinforcement) on 7 September 1979. The DD Form 214 (Report of Separation from Active Duty) shows he served on active duty for 3 years; he completed 1 month and 4 days of prior inactive service with no non-pay periods of time lost. His awards are shown as the Expert Marksmanship Qualification Badge with Rife Bar and Expert Marksmanship Qualification Badge with Hand Grenade bar.
6. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period 14 September 1972 through 8 September 1975 and his records are void of orders awarding him the AGCM.

7. The record does not contain a copy of the DA Form 20 (Enlisted Qualification Record) for this period of service. The only DA Form 20 of record commences on 5 April 1984.
8. Headquarters, 4th Infantry Division Permanent Orders, dated 26 September 1979, awarded the applicant the Army Commendation Medal for meritorious service for the period 17 August 1978 through 9 August 1979.
9. The applicant enlisted in the Ohio Army National Guard (ARNG) on 11 September 1979 serving until 16 December 1983. His NGB Form 22 (Record of Separation and Record of Service) shows he was honorably discharged in the grade of E-5. His awards are listed as only the Ohio Award of Merit.
10. The applicant appears to have been commissioned in the ARNG following completion of Reserve Officer Training Corps on 4 April 1984. He was called to active duty for training from 27 February to 22 June 1985. The DD Form 214 issued at this time lists his awards as the Army Service Ribbon and the Sharpshooter Qualification Badge with Pistol bar.
11. He served as a ARNG officer until 4 April 1994 when he transferred to the USAR and he retired from the USAR on 12 September 2014 as a lieutenant colonel, O-5.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that relief was warranted. The Board carefully considered the applicant's request, supporting documents, evidence in the records and regulatory guidance. Based on the documentation available for review, the Board found that as he received "excellent" conduct and efficiency ratings throughout his service and, in the absence of evidence that would otherwise make him ineligible, his record should be corrected to show the award of the Army Good Conduct Medal.
2. 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:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented 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 awarding him Army Good Conduct Medal for Army Good Conduct Medal for exemplary conduct and efficiency for the period 7 September 1979 through 8 September 1976.

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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 applicant's record shows his DD Form 214, for the period ending 7 September 1979 is missing an entry that does not require Board action. As a result, amend the DD Form 214 by adding the following entries to item 13 (Decoration, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) by adding the Army Commendation Medal.

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 (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 applicant has the burden of proving an error or injustice by a preponderance of the evidence.
3. Army Regulation 672-5-1 (Awards), in effect at the time, stated the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for the 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. Service school efficiency ratings based upon academic proficiency of at least "good" rendered subsequent to 22 November 1955 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.
4. Army Regulation 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards.
 - a. The Army Good Conduct Medal is awarded to on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.
 - (1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) 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; (4) for the

first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5) for the first award only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of the Army Good Conduct Medal as indicated in the Soldier's record: willingly complied with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

//NOTHING FOLLOWS//