

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 16 January 2024

DOCKET NUMBER: AR20230006299

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)
- DD Form 214 (Certificate of Release or Discharge from Active Duty)

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 should have received the Army Good Conduct Medal since he served his enlistment and received an honorable discharge. It was not mentioned on his DD Form 214.
3. The applicant provides his DD Form 214 to be referenced in his service record.
4. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 18 January 1977.
 - b. His DA Form 2-1 (Personnel Qualification Record) shows in:
 - Item 5 (Foreign Service) – Germany from 10 February 1978 to 8 January 1980
 - Item 18 (Appointments and Reductions) – no reductions
 - Item 44 (Time Lost Under Section 972, Title 10, U.S.C.) – none
 - c. His service record contained two Enlisted Evaluation Reports with all ratings marked at 4 (superior to most) or 5 (ranks with the very best) and his rater noted he had "excellent career potential."

d. On 9 January 1980, he was honorably released from active duty. His DD Form 214 shows he completed 2 years, 11 months, and 22 days of active service with no lost time. He was assigned separation code LBM and the narrative reason for separation listed as "Short Length of Time Remaining on Active Duty Precludes Reassignment," with reenlistment code RE-1. It also shows he was awarded or authorized:

- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- Expert Marksmanship Qualification Badge with Hand Grenade Bar

5. His records are void of any disciplinary actions or a commander's disqualification for award of the AGCM.

6. His records are void of a recommendation or orders for award of the AGCM.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows the applicant served on active duty from 18 January 1977 to 9 January 1980, completing 2 years, 11 months, and 22 days of active service with no lost time. His service record contained two Enlisted Evaluation Reports with all ratings marked at 4 (superior to most) or 5 (ranks with the very best) and his rater noted he had "excellent career potential." His record contains no derogatory information that would have disqualified him from receiving this award. The Board determined he met the criteria for this Army Good Conduct Medal (1st Award).

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 is 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 the Army Good Conduct Medal (1st Award) for service during the period 18 January 1977 through 9 January 1980
- adding to his DD Form 214 the Army Good Conduct Medal (1st Award)

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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.

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 600-8-22 (Military Awards), currently in effect, prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards. The AGCM 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.

a. 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.

b. 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 ARCM 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//