

IN THE CASE OF: ██████████

BOARD DATE: 21 February 2024

DOCKET NUMBER: AR20230006514

APPLICANT REQUESTS: award of the Army Good Conduct Medal.

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)
- Extract from the Code of Federal Regulations pertaining to the Army Good Conduct Medal

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, in effect, according to the applicable regulation, he should have been awarded the Army Good Conduct Medal (1st Award) even though he did not complete 3 years of service. He received an honorable service-connected medical discharge, had no disciplinary actions and received the Army Commendation Medal and Army Achievement Medal during his service.
3. The applicant enlisted in the Regular Army on 31 July 1998. He served in military occupational specialty 71L (Administrative Specialist) and was stationed with 25th Adjutant General (Postal), at Camp Zama, Japan.
4. On 10 March 2001, he was honorably discharged in the rank/grade of specialist/E4 due to disability with severance pay. The DD Form 214 he was issued shows he completed 2 years, 7 months, and 10 days net active service this period. The form further shows he was awarded or authorized the:
  - Army Commendation Medal
  - Army Achievement Medal
  - Army Service Ribbon

- Overseas Service Ribbon
- Marksman Marksmanship Qualification Badge with Rifle Bar

5. The applicant provides an extract from the Code of Federal Regulations pertaining to the Army Good Conduct Medal.

6. There is no evidence in the available records that shows he was awarded the Army Good Conduct Medal nor is there evidence of a commander's disqualification for the award. Additionally, there is no evidence of any convictions by courts-martial or receipt of nonjudicial punishment under Article 15, Uniform Code of Military Justice.

7. There is no right or entitlement to the Army Good Conduct Medal until the immediate commander approves the award and the award is announced in permanent orders, however, although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

#### 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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records the Board determined there was sufficient evidence to support the applicant met the criteria for award of the Army Good Conduct Medal (1st Award). Evidence in the record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of 31 July 1998 to 10 March 2001. Based on this the Board granted relief to award the Army Good Conduct Medal.

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 Army records of the individual concerned be corrected by awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 31 July 1998 to 10 March 2001 and adding the medal to his DD Form 214 for the period ending 10 March 2001.

3/4/2024

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CHAIRPERSON

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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) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards and states the Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of 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. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

3. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. 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.

//NOTHING FOLLOWS//