

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 January 2024

DOCKET NUMBER: AR20230006700

APPLICANT REQUESTS: on behalf of his great-uncle, a former service member (FSM) correction of his DD Form 214 (Report of Separation from the Armed Forces of the United States) by showing award of the National Defense Service Medal and awarding him 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 (2 copies)
- Birth Certificate of the Applicant, State of North Carolina
- Birth Certificate of the Applicant's Mother (JSG___), State of Texas, 15 October 1969
- Birth Certificate of the Applicant's Grandmother (LDB___), State of North Carolina, 30 June 1944
- Birth Certificate of the Applicant's Great-Grandfather (TWB___), State of North Carolina, 20 April 1923
- Death Certificate of the Applicant's Great Uncle (John WB, Jr. ___), State of North Carolina (FSM's death certificate), 11 September 2007
- Death Certificate of the Applicant's Great Grandfather (Jack WB___), State of North Carolina, 9 January 1977

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 would like a complete and accurate record of the former service members (FSM) of time in service.
3. The applicant provided various documents showing his genealogical relationship as a grandnephew to the FSM.

- A Birth Certificate, State of North Carolina, showing he is the son of JSG____
- A Birth Certificate, State of North Texas, showing JSG is his mother and the daughter of LDB____
- A Birth Certificate, State of North Carolina, showing LDB____ is the daughter of TWB____ and the applicant's grandmother
- A Birth Certificate, State of North Carolina, showing TWB____ was the son of John WB Sr., his great-grandfather
- Death Certificate, State of North Carolina, showing Jack WB, Jr.____ was the son of John WB, Sr.,____ and was the applicant's great-uncle
- A Death Certificate, showing the FSM (John WB, Jr.) is deceased

3. The FSM's military records are not available for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. It is believed that the FSM's records were lost or destroyed in that fire. The only document available for review is the DD Form 214 provided by the applicant.

4. There is sufficient evidence to support Board considering the applicant's requests for authorization for the award of the Army Good Conduct and the National Defense Service Medal.

5. The DD Form 214 provides the following:

- enlistment in the Regular Army for 3 years on 14 July 1948
- completion infantry and airborne training
- service in the Artillery Component with a specialty number of 73705
- he was retained on active duty for 322 days under a Congressional retention directive
- he had not time lost under section 6(a), appendix 2b, Manual for Courts-Martial 1951
- he was honorably discharged on 4 June 1952 with 3 years, 10 months, and 20 days of active-duty service and no lost time
- was separated in the rank of corporal/E-4 (temporary) with a date of appointment of 20 March 1951
- he was permanently promoted to private first class/E-3 on 2 June 1949
- the most significant duty assignment is listed as the Headquarters and Headquarters Battery, 456th Airborne Field Artillery, 82nd Airborne Division
- his awards are listed as the only the Parachutist and Glider Badge

6. A review of the military history records for the 82nd Airborne Division indicate the 82nd Airborne Division was not deployed to Korea during the Korean War.
7. The National Defense Service Medal was not established until 1953, after the FSM's period of service; however, it was made retroactive to 27 June 1950. A review of the applicant's records shows he served on active duty during this period.
8. The National Archives website provides instructions for Veterans and family members to request copies of WW II Era documents by the next of kin, replacing lost medals and awards, and completing genealogical research. Their website is <https://archives.gov/research> with details on how to order records by mail, online, or by fax. To obtain records by mail, a completed SF 180 is required.

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 FSM served on active duty from 14 July 1948 to 4 June 1952. Based on this service he is eligible for award of the National Defense Service Medal. Additionally, he completed 3 years, 10 months, and 20 days of active-duty service and no lost time. He attained the rank of corporal, and he was retained on active duty for 322 days under a Congressional retention directive. Although his conduct and efficiency ratings are unknown (due to absence of his DA Form 24, Service Record), the Board determined he qualified for award of the Army Good Conduct Medal (1st Award) based on 3 consecutive years of active service.

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 14 July 1948 through 13 July 1952
- adding to his DD Form 214 the National Defense Service Medal and 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 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 Army Board for Correction of Military Records (ABCMR). Paragraph 2-9 states that 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 (Military Awards), states:

a. The Army Good Conduct Medal may be awarded for each 3 years of continuous enlisted active Federal military service, 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. 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.

b. The National Defense Service Medal was established in 1953. It was awarded to every member of the U.S. Armed Forces who served during any one of four specified periods of armed conflict or national emergency from 27 June 1950 through 31 December 2022. Combat or "in theater" service is not a requirement for the award.

4. Army Regulation 635-5 (Separation Documents), then in effect, state the DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge. As then in effect, the entry at block 27 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) stated to list awards and decorations during the period covered by the DD Form 214. Each entry was to be verified by the Soldier's records.

5. Under section 6(a), appendix 2b, Manual for Courts-Martial 1951, this section of the Manual for Courts-Martial (MCM), provided that any soldier who is absent without authority for one day or more, shall be liable to serve sufficient time to make up for the lost time.

6. The National Archives website provides instructions for Veterans and family members to request copies of WW II Era documents by the next of kin, replacing lost medals and awards, and completing genealogical research. Their website is <https://archives.gov/research> with details on how to order records by mail, online, or by fax. To obtain records by mail, a completed SF 180 is required.

//NOTHING FOLLOWS//