

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 January 2024

DOCKET NUMBER: AR20230006799

APPLICANT REQUESTS: correction of the Former Service Member (FSM) DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show:

- a. The following awards:
 - Army Good Conduct Medal
 - Korea Defense Service Medal
 - Overseas Service Ribbon
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (.45 Pistol)
- b. Entry in item 26 (Time Lost).
- c. Personal appearance before the Board.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record), 14 March 2023
- Next of Kin Self Authored letter, undated
- FSM DD Form 214
- NGB Form 22 (Report of Separation)
- DA Form 20 (Enlisted Qualification Record)
- Printout, Executive Orders Number 8809, Army Good Conduct Medal
- Army Regulation 600-8-22 (Military Awards), Korea Defense Service Medal
- FSM Death Certificate
- Next of Kin (NOK) Driver's License
- Next of Kin (NOK) Birth Certificate

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 FSM's next of kin (NOK) states:

a. His father, the FSM was drafted during the Vietnam War and entered the Army on 3 September 1969. The FSM was honorably discharged on 4 September 1971. There are no entries in block 26 (Time Lost) on his DD Form 214. He received the FSM's DD Form 214, and his NGB Form 22. After reviewing the FSM's record, he noticed several decorations are missing.

b. Per executive order 10444, the Army Good Conduct Medal requires one year of honorable service during war time. The FSM was drafted during war time and served honorably but was not issued the medal. The FSM also served 13 months in South Korea and should be issued the Korea Defense Service Medal and the Overseas Service Ribbon.

c. The FSM's DA Form 20 also shows that he was authorized the Expert Marksmanship Qualification Badge with Rifle Bar (M-16), and the Sharpshooter Marksmanship Qualification Badge with Rifle Bar (.45 Pistol). He is requesting these decorations be added to the FSM's record and that he be issued a DD Form 215 (Correction to DD Form 214).

3. The FSM's records contain sufficient evidence to support additional awards not shown on his DD Form 214. His DD Form 214 will be administratively corrected without Board action to show awards of the:

- Korea Defense Service Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (.45 Pistol)

4. On 3 September 1969, the applicant was inducted into the Army of the United States.

5. His DA Form 20 (Enlisted Qualification Record) shows in:

a. item 31 (Foreign Service) – service in Korea, from 4 August 1970 to 26 August 1971.

b. item 38 (Record of Assignments) – he received "excellent" conduct and efficiency ratings, and

c. item 41 (Awards, Decorations and Campaigns) – does not show the Army Good Conduct Medal.

6. On 4 September 1971, he was honorably released from active duty. His DD Form 214 shows he completed 2 years, and 2 days of active service. It also shows in:

a. item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) –

- National Defense Service Medal
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
- Armed Forces Expeditionary Medal

b. item 26 (Time Lost) – “None” (this entry means the FSM never departed absent without leave (AWOL), as such the entry none is appropriate).

7. His records are void of commander's disqualification for award of the Army Good Conduct Medal for the period 3 September 1969 to 4 September 1971.

8. By regulation (AR 672-5-1), the Army Good Conduct Medal was 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.

BOARD DISCUSSION:

1. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that a portion of relief was warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board noted the period during which the applicant's father served, awards and decorations received. The Boarded noted the applicant's reference to item 26 (Time Lost) and informs the applicant that although the term “None” could be negatively interpreted, it refers to his father never having departed absent without leave (AWOL) and as such the entry is correct.

3. Upon further review, the Board found sufficient evidence to grant an award not otherwise requested. As the applicant's record reflects all "excellent," in accordance with applicable regulatory guidance, the applicant is eligible for the Army Good Conduct Medal and a correction to his record to show the award is warranted.
2. Prior to closing the case, the Board did note the analyst of record administrative notes below referencing corrections to the applicant's DD214 which will 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:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for a portion of the requested relief. As a result, the Board recommends that all Department of the Army records of the former Service Member be corrected by amending his DD214 for the period ending 4 September 1971 showing in block 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):

- Army Good Conduct Medal
- Korea Defense Service Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (.45 Pistol)

2. The Board determined the evidence presented is 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 correcting:

- block item 26 (Time Lost)
- block 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) to show the award of the Overseas Service Ribbon

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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 records show he was awarded or authorized the following awards not listed on his DD Form 214:

- Korea Defense Service Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (.45 Pistol)

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 prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Korea Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense.

b. The Overseas Service Ribbon was established by the Secretary of the Army on 10 April 1981. Effective 1 August 1981, all members of the Active Army, Army National Guard, and Army Reserve in an active Reserve status are eligible for the award for successful completion of overseas tours. The award may be awarded retroactively to those personnel who were credited with a normal overseas tour completion before 1 August 1981 provided, they had an Active Army status on or after 1 August 1981. Numerals are used to denote the second and subsequent awards of the Overseas Service Ribbon.

c. The qualification badge is awarded to indicate the degree – Expert, Sharpshooter, and Marksman -- in which an individual has qualified in a prescribed record course. An appropriate bar is furnished to denote each weapon with which the individual has qualified.

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 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 immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

4. Army Regulation 635-5 (Personnel Separations - Separation Documents) in effect at the time, required the entry of inclusive dates of non-pay periods/time lost during the preceding 2 years in block 26 (Non-Pay Periods Lost Time).
5. Army Regulation 15-185 (Army Board for Correction of Military Records), paragraph 2-11, shows applicant's do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//