

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 September 2023

DOCKET NUMBER: AR20230006852

APPLICANT REQUESTS: add his previously awarded Army Commendation Medal and award of the Army Good Conduct Medal.

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record), 20 February 2023
- General Orders Number 12107, 14 December 1971
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), 6 April 1972
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 14 June 2004

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 that he was awarded the Army Commendation Medal, but it is was erroneously omitted for his DD Form 214. He also believes that he qualifies for award of the Army Good Conduct Medal.
3. The applicant provides:
 - a. General Orders Number 12107, dated 14 December 1971, shows that the applicant was awarded the Army Commendation Medal for meritorious service while in the Republic of Vietnam for service from February through November 1971.
 - b. A DD Form 214 for his active service from 20 January 1969 through 6 April 1972, to be referenced in the service record.

c. A DD Form 214 for his active service from 7 July 2003 through 14 June 2004, to be referenced in the service record.

4. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 20 January 1969 for a term of four years.

b. On 6 April 1972 he was honorably released from active duty and transferred to the Army Reserve. His DD Form 214 shows he completed 3 years, 2 months, and 17 days of net active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal with Device 60
- Vietnam Cross of Gallantry with Palm Unit Citation

c. On 6 July 1979 he enlisted in the California Army National Guard.

d. Orders 174-392 dated 23 June 2003 ordered the applicant to active duty in support of Operation Enduring Freedom, effective 7 July 2003.

e. On 14 June 2004 he was honorably released from active duty. His DD Form 214 shows he completed 11 months and 8 days of active service. It also shows he was awarded or authorized:

- Army Commendation Medal (2nd Award)
- Army Reserve Components Achievement Medal (5th Award)
- National Defense Service Medal (3rd Award)
- Vietnam Service Medal
- Global War on Terrorism Expeditionary Medal
- Global War on Terrorism Service Medal
- Armed Forces Reserve Medal (2nd Award)
- Armed Forces Reserve Medal with M Device
- NCO Professional Development Ribbon
- Army Service Ribbon
- Vietnam Gallantry Cross with Palm Unit Citation
- Vietnam Campaign Medal with Device 60

f. Permanent Orders 094-52 dated 4 April 2006 awarded the applicant the Combat Action Badge, for service on 18 November 2003, while actively engaging or being engaged by the enemy.

5. A review of the applicant's service record confirms awards were omitted from his DD Form 214. The awards will be added to his DD Form 214 as administrative corrections and will not be considered by the Board. The Board will consider his request for award of the Army Good Conduct Medal.

6. The applicant's record does not contain evidence his commander disqualified him for award of the Army Good Conduct Medal (1st Award). His record does not contain evidence of a court-martial conviction nor any other derogatory information that would disqualify him from the first award of the Army Good Conduct Medal.

BOARD DISCUSSION:

1. 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 contentions, the military record, and regulatory guidance. Based on the applicant's awards to include the Army Commendation Medal and in the absence of any disqualifying information, the Board determined that the applicant is eligible for the award of the Army Good Conduct Medal and a correction to his record is warranted.

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

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:	:	:	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 for exemplary service from 20 January 1969 through 6 April 1972 and adding the award to his DD Form 214 for the period ending 6 April 1972.

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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 NOTES:

A review of the applicant's records shows he is authorized additional awards not listed on his DD Form 214 for the period ending 14 June 2004. As a result, amend his DD Form 214 to show:

- Army Commendation Medal
- Combat Action Badge
- Overseas Service Ribbon

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 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, 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.

3. Army Regulation 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards. 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.

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 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//