

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2024

DOCKET NUMBER: AR20230007119

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 2 April 2009 to show award of the Meritorious Service Medal
- in effect, to be awarded the Army Good Conduct Medal

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 638 (Recommendation for Award) (Meritorious Service Medal)
- Meritorious Service Medal Certificate
- DD Form 214, for the period ending 2 April 2009

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 served in the U.S. Air Force from 18 March 1969 to 29 December 1972, including service in Vietnam and Southeast Asia.
3. The applicant enlisted in the U.S. Army Reserve on 29 July 1991.
4. The applicant's record contains a DD Form 214, which shows he served on active duty from 7 August 2003 to 27 August 2003, a period of 21 days.
5. The applicant entered active duty as a U.S. Army Reserve member on 15 March 2008. He served in Kuwait/Iraq from 18 April 2008 to 7 March 2009.
6. The applicant provides:

- a recommendation for award of the Meritorious Service Medal while assigned to Headquarters and Headquarters Company, 4th Sustainment Brigade during Operation Iraqi Freedom; the recommendation contains an X in the approval authority block contains Permanent Order No 147-032
- a Meritorious Service Medal Certificate with the applicant's name from 22 April 2008 to 1 March 2009, issued on 27 May 2009 with Permanent Order No 147-032 and signed by the commanding general

8. The applicant's record is void of official orders that show he was recommended for or awarded the Army Good Conduct Medal.

9. The applicant was honorably released from active duty for completion of required active service on 2 April 2009. His DD Form 214 shows he completed 1 year and 18 days of active service and was awarded or authorized:

- Iraq Campaign Medal
- Air Force Commendation Medal
- Air Force Good Conduct Medal
- Army Reserve Components Achievement Medal (2nd Award)
- National Defense Service Medal (3rd Award)
- Vietnam Service Medal with one bronze service star
- Global War on Terrorism Expeditionary Medal
- Global War on Terrorism Service Medal
- Noncommissioned Officer Professional Development Ribbon (3rd Award)
- Army Service Ribbon
- Overseas Service Ribbon (2nd Award)
- Army Reserve Components Overseas Training Ribbon
- Armed Forces Reserve Medal with "M" Device (2nd Award)
- Republic of Vietnam Campaign Medal

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 Board noted that Permanent order awarded the applicant the Meritorious Service Medal for service from 22 April 2008 to 1 March 2009. This award is not shown on his DD Form 214 covering the period 15 March 2008 to 2 April 2009. The Board determined a correction is appropriate. Additionally, the evidence of record shows the applicant served on active duty from 15 March 2008 to 2 April 2009, completing 1 year and 18 days of active service with no lost time. His service record contains no derogatory information or a memorandum from his commander that disqualified him from receiving the first award of 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 the Army records of the individual concerned be corrected by:

- Awarding him the Army Good Conduct Medal (1st Award) for service during the period 15 March 2008 through 2 April 2009
- adding to his DD Form 214 the Meritorious 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 600-8-22 (Military Awards) provides policy, criteria, and administrative instructions concerning individual military decorations, Army Good Conduct Medal, service medals, and ribbons.

a. Paragraph 3-17 (Meritorious Service Medal) is awarded to any Servicemember of the Armed Forces of the United States or to any member of the armed forces of a friendly foreign nation who has distinguished himself or herself by outstanding meritorious service or achievement.

b. Chapter 4 (Good Conduct Medal and Army Reserve Components Achievement Medal) Section II states the Army Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in active Federal military service. It is awarded on a selective basis to each Soldier who distinguishes himself or herself among his or her fellow Soldiers for a period of continuous enlisted active Federal military service of:

- 3 years 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
- for first award only, upon termination of service on or after 27 June 1950, of less than 3 years but more than 1 year
- for 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
- for 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

c. Personnel eligible for the award of the Army Good Conduct Medal are as follows:

- Regular Component enlisted Soldiers
- Enlisted Active Guard Reserve personnel serving on extended periods of active duty (other than for training) beginning on or after 1 September 1982 provided no period of service has been duplicated by the same period of service for which the Soldier has been awarded the Army Reserve Components Achievement Medal
- Ready reserve enlisted personnel ordered to active duty under 10 U.S. Code
- Retroactively, to eligible Army of the United States enlisted personnel

d. The Army Reserve Components Achievement Medal is authorized for award to Army personnel in the rank of colonel/O-6 and below. The individual must have been a member of the Army National Guard or U.S. Army Reserve troop program unit.

- between 3 March 1972 and 28 March 1995, the award was authorized on completion of 4 qualifying years of service a Reserve Component unit
- effective 28 March 1995, the period of qualifying service was reduced to 3 qualifying years; Soldiers completing 3 qualifying years on or after 28 March 1995 are eligible for consideration

//NOTHING FOLLOWS//