

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 16 February 2024

DOCKET NUMBER: AR20230007451

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending 17 December 1971 to reflect the following:

- amend active duty service dates
- award the Army Commendation Medal
- a personal appearance before the Board via telephone or video

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

- DD Form 149 (Application for Correction of Military Record)
- Army Commendation Medal Certificate
- DD Form 214, ending 17 December 1971
- Honorable Discharge Certificate, 1 June 1976
- Veterans Affairs (VA) file Number Sheet
- VA Letter
- VA Certificate of Eligibility
- VA Decision Letter

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 pertinent part, he has been denied access to the VA benefits due to his record reflecting his service with the National Guard or Reserve was for active duty for training purposes only. He disputes the claim as his record shows he was inducted into the Army of the United States and he spent his entire active duty service at Fort Jackson, SC, as a clerk typist at the base Reception Center until being granted early release to attend college. Additionally, his record does not reflect he was awarded the Army Commendation Medal while serving in the Army. These errors need to be corrected.

3. On 10 June 1970, he was inducted into the Army of the United States.
4. His DA Form 20 (Enlisted Qualification Record) reflects the following:
 - a. Item 11 (Enlisted, Inducted, Reenlisted, Extended, and/or Ordered to Active Duty) shows service from 10 June 1970 to 17 December 1971.
 - b. Item 41 (Awards and Decorations) shows the National Defense Service Medal.
5. He provides an Army Commendation Medal Certificate showing he was awarded for meritorious service from August 1970 to December 1971.
6. His DD Form 214, ending 17 December 1971 reflects an honorable release from active duty and transfer to the U.S. Army Control Group (Annual Training) with service from 10 June 1970 to 17 December 1971 for a net active service this period of 1 year, 6 months, and 8 days. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows:
 - National Defense Service Medal
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
7. On 7 January 1972, Headquarters, United States Army Training Center, Infantry and Fort Jackson, issued General Orders Number 3, amending General Orders Number 111, issued 24 August 1971 to reflect the award of the Army Commendation Medal for dates of service from 31 August 1970 to 15 December 1971 vice 31 August 1970 to 12 August 1971.
8. His record is void of General Orders Number 111, dated 24 August 1971.
9. On 26 May 1976, the Office of the Adjutant General, Reserve Components Personnel and Administration Center, issued Letter Orders Number 05-1101887 honorably discharging him from the USAR Control Group (Standby Reserve), effective 1 June 1976.
10. The applicant provides a/an -
 - Honorable Discharge Certificate, dated 1 June 1976 showing he was honorably discharged from the U.S. Army Reserve on 1 June 1976
 - A file Number Sheet as unspecified supporting evidence for his request
 - VA Letter, dated 10 July 1997 showing he was eligible to receive the VA home loan
 - VA Certificate of Eligibility showing his eligibility to receive a home loan through the VA

- VA Decision Letter, dated 15 November 2022

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.
2. The applicant's request for a personal appearance hearing was carefully considered. However, in this case, the evidence of record and independent evidence provided by the applicant 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.
3. The applicant's record did not contain evidence his commander disqualified him for award of the Army Good Conduct Medal (1st Award). He received all excellent conduct and efficiency rating. 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 (1st Award) for the period 10 June 1970 to 17 December 1971.
4. The Board determined there was sufficient evidence of record to correct the applicant's DD Form 214 to add Army Commendation Medal.
5. The Board found the applicant's request to amend his active duty service dates does not warrant relief. A review of the applicant's DD Form 214 failed to reveal an error in his service dates.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

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: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

 a. award the applicant the Army Good Conduct Medal (1st Award) for the period 10 June 1970 to 17 December 1971.

 b. correct block Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) of his DD Form 214 for the period ending 17 December 1971 to add:

- Army Commendation Medal
- Army Good Conduct Medal (1st Award)

2. The Board further 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 amending his active duty service dates.

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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, USC, 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 (AR) 635-5 (Separation Documents) in effect at the time, states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation. Personnel officers will prepare and authenticate DD Form 214 prior to forwarding records to the transfer facility. All available records will be used as a basis for the preparation of DD Form 214, including DA Form 20 (Enlisted Qualification Record) and orders. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) on the issued DD Form 214 will contain all decorations, service medals, campaign credits and badges awarded or authorized from item 41 (Awards and Decorations) on the DA Form 20.
3. AR 600-8-22 (Military Awards) states the Army Commendation Medal is awarded to any Service member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. Award may be made to a member of the armed forces of a friendly foreign nation who, after 1 June 1962, distinguishes himself or herself by an act of heroism, extraordinary achievement, or meritorious service, which has been of mutual benefit to a friendly nation and the United States. The announcement in orders is required.
4. 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 the immediate commander made a positive

recommendation for its award and until the awarding authority announced the award in General Orders.

5. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants 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//