

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 February 2024

DOCKET NUMBER: AR20230007520

APPLICANT REQUESTS: Removal of the documentation denying him the Army Good Conduct Medal (AGCM).

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

- DD Form 149 (Application for Correction of Military Record)
- Army Good Conduct Medal (first award)
- Enlisted Record Brief (ERB)

FACTS:

1. The applicant states there was never a response after he submitted a rebuttal to the disqualification for the AGCM. After several months, the memo and rebuttal were uploaded, but no response or evaluation was made. He thinks or understands that it was an error by S1, and after discussing the case with his commander, the AGCM was given to him. The AGCM was subsequently granted and include in his records.
2. The applicant enlisted in the Regular Army for 5 years and 50 weeks on 27 October 2018, reenlisted on 20 January 2022 and has served continuously. He has attained the rank/Grade of Staff Sergeant /E-6.
3. The available records contain no documentation of derogatory actions except a 2 October 2018 Army Good Conduct Medal (AGCM) disqualification memorandum and the applicant's appeal.
4. The disqualification memorandum states he was being disqualified for award of the AGCM, due to a recommendation for nonjudicial punishment (NJP) under Article 15 of the Uniform Code of Military Justice on 10 October 2018 and a summarized NJP completed on 29 November 2018. Neither of these two documents are in his record. The applicant appealed the disqualification on 29 November 2018; however, there is no documentation of a final action on the appeal.
5. The applicant completed the Seventh Army Noncommissioned Officer Academy Basic Leader Course on 1 February 2019.

6. The only order for an award or decoration is an Army Achievement Medal approved on 3 August 2023.

7. The applicant's ERB shows he has served in Germany continuously since 11 October 2016 and lists his awards as the:

- Army Achievement Medal (5th award)
- Army Superior Unit Award
- Army Good Conduct Medal (2nd award)
- National Defense Service Medal
- Global War on Terrorism Service Medal
- Army NCO Professional Development Ribbon
- Army Service Ribbon
- Overseas Service Ribbon
- Driver and Mechanic Badge
- Certificate of Achievement (2nd award)

8. The applicant provided a copy of award of the AGCM, dated 29 November 2021, for the period from 29 November 2015 through 30 November 2018.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.

2. The Board determined the memoranda, subject: disqualification of the Army Good Conduct Medal, dated 2 October 2018 and 29 November 2018 should be removed from his Army Military Human Resource Record (AMHRR)/Official Military Personnel File (OMPF).

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 removing the below documents from her AMHRR/OMPF:

- Memorandum for Applicant, Subject: Disqualification of the Army Good Conduct, 2 October 2018
- Memorandum for Commander, Subject: Disqualification of the Army Good Conduct, 29 November 2018

█

█ █

█

█

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. 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.
2. Army Regulation 600-8-22 (Military Awards) states the Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified. It further states that while any record of non-judicial punishment could be in conflict with recognizing the Soldier's service as exemplary, such record should not be viewed as automatically disqualifying. The commander is to analyze the record, giving consideration to the nature of the infraction, the circumstances under which it occurred, and when. Disqualification for an award of the Army Good Conduct Medal can occur at any time during a qualifying period.

//NOTHING FOLLOWS//