

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2024

DOCKET NUMBER: AR20230007591

APPLICANT REQUESTS:

- award of the Army Good Conduct Medal (AGCM) and correction of his DD form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show this award
- correction of his DD Form 214 to show:
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-1) and Machine Gun Bar
 - The appropriate marksmanship qualification badges and bars for the 45 Thomson Machine Gun and Carbine medals

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

- DD Form 149 (Application for Correction of Military Record), 11 April 2023
- DD Form 214, 15 February 1962

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, in effect, he would like the corrections made to his DD Form 214 for legacy reasons and for his grandchildren. He will be filing a disability claim later this year.
3. The applicant's records contain sufficient evidence to support additional awards an administrative correction not shown on his DD Form 214 and will be listed in administrative notes.
4. A review of the applicant's available service records shows:

a. On 9 November 1959, he was inducted into the Army of the United States. He completed basic combat and advanced individual training, and he was awarded military occupational specialty 711.10 (Clerk Typist).

b. His DA Form 24 (Service Record) shows in:

(1) Section I (Appointments, Promotions, or Reductions) – no reductions.

(2) Section 4 (Chronological Record of Military Service) – he received all "excellent" conduct and efficiency ratings.

(3) Section 6 (Time Lost Under Section (6)e, Appendix 2b, Manual for Courts Martial 1951 and Subsequent to Normal ETS) – none.

(4) Section 9 (Medals, Decorations, and Citations) – Marksman Marksmanship Qualification Badge with Rifle Bar, Carbine Bar, and Missile Bar.

(5) Section 10 (Remarks) – no entries or records of court-martials or nonjudicial punishment.

c. His DA Form 20 (Enlisted Qualification Record) shows he qualified in arms:

- Expert Marksmanship Qualification Badge with Rifle Bar (M-1)
- Marksman Marksmanship Qualification Badge with Carbine Bar

d. On 14 February 1962 he was released from active duty and transferred to control of the U.S. Army Reserve. His DD Form 214 shows he completed 2 years, 3 months, and 6 days of net active service this period and no record of time lost. His DD Form 214 shows he was awarded:

- Marksman Marksmanship Qualification Badge with Rifle Bar
- Marksman Marksmanship Qualification Badge with Carbine Bar
- Marksman Marksmanship Qualification Badge with Missile Bar.

e. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal (First Award) for the period 9 November 1959 to 14 February 1962.

f. His records are void of orders awarding him the AGCM (1st Award) for the period 9 November 1959 to 14 February 1962.

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 there is no derogatory information in his file that would have precluded him from receiving the Army Good Conduct Medal. As far as awarding the applicant additional qualification badges (M-1, Machine Gun Bar, .45 Thomson Machine Gun and Carbine), these qualification badges are properly annotated on his DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the corrections addressed in the Administrative Note below, 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 the period 9 November 1959 through 14 February 1962
- adding the Army Good Conduct Medal (1st Award) to his DD Form 214

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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:

The applicant's record contains sufficient evidence to support additional awards not shown on his DD Form 214 which should be administratively corrected without Board action by:

- a. Deleting Marksman Marksmanship Qualification Badge with Rifle Bar; and
- b. Adding:
 - National Defense Service Medal
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-1)

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 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 ABCMR. 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.

3. Army Regulation 672-5-1 (Decorations and Awards), in effect at the time, stated the Army Good Conduct Medal (AGCM) was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for the 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.

4. Army Regulation 600-8-22 (Military Awards), currently in effect, prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The National Defense Service Medal was established by Executive Order 10448, 22 April 1953. The National Defense Service Medal may be awarded for both active and reserve service for honorable active service for any period between (dates inclusive): 1 January 1961 and 14 August 1974 (Vietnam Era).

b. 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. Any one of the following periods of continuous enlisted active Federal military service qualifies for award:

- Each 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 service if the death occurred in the line of duty

c. Table 8-3 of this regulation identifies weapons for which component bars with the marksmanship qualification badge. The component bars authorized are as follows: Rifle, Pistol, Antiaircraft Artillery, Automatic Rifle, Machinegun, Field Artillery, Tank Weapons, Flamethrower, Submachine Gun, Rocket Launcher, Grenade, Carbine, Recoilless Rifle, Mortar, Bayonet, Small Bore Rifle, Small Bore Pistol, Missile, and Aeroweapons.

5. Army Regulation 600-70 (Badges), in effect at the time, provided the awarding of badges. The awarding of badges is to provide tangible evidence of public recognition for the attainment of a high degree of skill, proficiency, and excellence in tests and competition as well as in the performance of duties.

a. Paragraph 21 General. Basic Qualification Badges – an award for previous qualification is revoked automatically whenever an individual upon completion of firing a record course for which the previous award was made, has not attained the same qualification. In event the bar which is revoked automatically is the only one authorized to be worn on the respective basic qualification badge, the award of the basic badge likewise is revoked automatically.

b. Paragraph 24 Basic Qualification Badges –Basic qualification badges are of three classes, namely: expert, sharpshooter, and marksman. The only weapons for which component bars for the badges are authorized and inscriptions on the bars are as follows: Rifle, Pistol, AA Artillery, Auto Rifle, Machine Gun, Field Arty, Tank Weapons, Flamethrower, Submachine Gun, Rocket Launcher, Grenade, Carbine, Recoilless Rifle, Mortar, Bayonet, Small bore rifle, and Small bore pistol.

//NOTHING FOLLOWS//