

IN THE CASE OF: ██████████

BOARD DATE: 31 January 2024

DOCKET NUMBER: AR20230007647

APPLICANT REQUESTS: award of the Army of Occupation Medal (Berlin) (AOM) and the Army Good Conduct Medal (AGCM) and correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show these awards.

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

- DD Form 149 (Application for Correction of Military Record), 5 April 2023
- Self-authored Statement, undated

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 met all the requirements for the AGCM (First Award) for the period 2 September 1980 to 30 August 1983. The paperwork for these awards was not processed when he returned to the United States. He was stationed in Berlin from 1982 to 1983 and qualified for the AOM.
3. The applicant's records contain sufficient evidence to support administrative corrections to his DD Form 214 not requiring Board Action and will be listed in the administrative notes section.
4. The Board will consider his request for award of the AGCM (First Award) for the period 2 September 1980 to 30 August 1983.
5. A review of the applicant's available service records shows:
  - a. He entered active duty on 2 September 1980 and was awarded military occupational specialty 11B (Light Weapons Infantryman).

b. His DA Form 2-1 shows:

- Oversea service in Germany from 29 April 1982 to 27 April 1983 (16 months)
- He was awarded or authorized:
  - Army Service Ribbon
  - Overseas Service Ribbon
  - Noncommissioned Officer Development Ribbon (Second Award)
  - Expert Marksmanship Qualification Badge with Rifle Bar (M-16) and Hand Grenade Bar
- no record of reductions
- no record of time lost under Section 972, Title 10 USC
- He was assigned to Company B, 2d Battalion, 6th Infantry, Berlin, Germany

c. On 30 August 1983, he was honorably released from active duty and transferred to control of the U.S. Army Reserve Control Group (Reinforcement). His DD Form 214 shows:

- he was awarded or authorized:
  - Army Service Ribbon
  - Expert Marksmanship Qualification Badge with Rifle Bar (M-16) and Hand Grenade Bar
- no dates of time lost during this period

d. 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 2 September 1980 to 30 August 1983.

e. His records are void of a recommendation or orders for award of the Army Good Conduct Medal (First Award).

#### 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 record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined the applicant's service record did not reflect he was awarded the AGCM and his record shows he received "excellent" conduct and efficiency ratings

throughout his service. Therefore, relief was granted to correct the applicant's record and award him the Army Good Conduct Medal.

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

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

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 (1st Award) for exemplary service from 2 September 1980 to 30 August 1983 and adding the medal to his DD Form 214 for the period ending 30 August 1983.

2/6/2024

X █

CHAIRPERSON

█

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(S):

The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214. His DD Form 214 should be administratively corrected without Board action to show award of the:

- Army of Occupation Medal (Berlin)
- Overseas Service Ribbon
- Noncommissioned Officer Professional Development Ribbon with Numeral 2

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) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. 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.

(1) 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.

(2) 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.

b. The Army of Occupation Medal was established by War Department General Orders 32, 1946. It is awarded for service for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger, TDY, or detached service) while assigned to any of the following:

(1) Army of Occupation of Germany (exclusive of Berlin) between 9 May 1945 and 5 May 1955. Service between 9 May and 8 November 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service before 9 May 1945.

(a) Service for the prescribed period with a unit, which has been designated in AGOs as having met the requirement for the Berlin Airlift device.

(b) Service for which the individual was awarded the Berlin Airlift device in orders issued by appropriate field authority.

(2) Army of Occupation of Austria between 9 May 1945 and 27 July 1955. Service between 9 May and 8 November 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service before 9 May 1945.

(3) Army of Occupation of Berlin between 9 May 1945 and 2 October 1990. Service between 9 May and 8 November 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service before 9 May 1945.

//NOTHING FOLLOWS//