

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 March 2024

DOCKET NUMBER: AR20230008933

APPLICANT REQUESTS: to be awarded the Army Good Conduct Medal (AGCM)

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter
- DA Form 20 (Enlisted Qualification Record)
- General Orders 1340 Commendation Medal, dated 29 October 1970
- Special Orders Number Extract 135, dated 8 July 1971
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) dated 13 July 1971
- DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty) dated 12 October 1988

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 he was recommended for the Army Good Conduct Medal, but he never received the citation, or award since his honorable discharge. He provides a self-author letter that states:

a. A self-authored statement, which states:

(1) He was awarded the Army commendation medal in Vietnam on 29 October 1970, by the 20th Engineer Brigade and he was also recommended for the AGCM at the same time for his one year of service while serving with the 92nd Engineer Battalion from 11 December 1969 until 14 November 1970. His original date estimated from overseas was 10 December 1970, was shortened due to the expedited troop withdrawal by MACV in early November 1970. The submitted paperwork for the AGCM was

misplaced at the 20th Brigade and did not get through channels before he departed for CONUS in Oakland, California.

(2) His next duty station was Fort Bliss, TX, for the remaining 6 months of his two-year active-duty obligation in January 1971. He was assigned to the 68th Engineer Company but after three weeks he was ordered temporary duty to the 591st MP Company at Fort Bliss stockade as a detail guard until his expiration term of service on 13 July 1971. He made multiple inquiries to each company about his AGCM paperwork during those 6 months. He was informed by both, that the paperwork was presumably mishandled during the early troop withdrawal. Those responsible for the citation award documentation had failed to forward the signed paperwork through the proper channels to his next duty station. He was informed, that there was nothing more they could do. The medal and citation were never awarded. His receipt of the information from the National Personnel Records Center due to his original inquire is the basis and underpinning for his request and the Board's consideration.

(3) The applicant has enclosed copies of the commendation award order, his service ratings grades in basic and Vietnam from his company commanders, his DD Form 214, and training records. His service record in Vietnam was excellent as exhibited by the commendation award and others awarded and listed on his DD Form 214 upon his completion of his tour of duty along with an updated DD Form 215.

(4) Unfortunately, and to his detriment he cannot furnish any paperwork to substantiate his claim and chain of events, other than providing documentation that verifies his exemplary service record. He is petitioning to correct his service record and ask for consideration to be issued the medal and citation after many years and bring closure to his Army service. He understands that he can purchase this award through many military surplus outlets and forget about all of this. He gave honorable service during his two years of active duty and feel that this request would be the honorable thing to do in order to make allowances for some earlier missteps which were out of his control and paperwork that fell through the cracks. He is not interested in making a purchase of this medal himself without formal approval from the proper channels. He is an honorable man.

(5) He is now 73 years old, a Vietnam draftee, and recognition still means something to him. He would be remised if he did not try to correct his record and petition the Army Review board after receiving the DD Form 149 from the Archives in St. Louis. He was unaware of this opportunity. He would be grateful for the Board's consideration to this matter and perusal of his request to correct and oversight and loss of deserved recognition that he earned while serving in Vietnam. He thanks the Board for their cogitation and deliberation on this matter.

b. DA Form 20 which shows in item 38 (Record of Assignments) that he received excellent markings in conduct and efficiency effective 16 December 1969, while assigned to Company C, 92nd Engineer Battalion (Construction) USARPAC.

c. General Orders 1340 dated 29 October 1970, which awards him the Army Commendation Medal.

d. Special Orders 135 dated 8 July 1971, which relieved him from active duty on 13 July 1971.

4. A review of the applicant's service records shows:

a. He was inducted into the United States Army on 14 July 1969. He held military occupational specialty 62F, Crane Operator.

b. He served in Vietnam from on or around 11 December 1969 to on or about 14 November 1970. Item 38 (Record of Assignment) of his DA Form 20 (Enlisted Qualification Record) shows he received excellent conduct and efficiency ratings. He was promoted to specialist four/E-4 in March 1970.

d. His record is void of orders awarding him the AGCM. His record also does not contain any derogatory information such as lost time or a conviction by a court-martial.

d. On 13 July 1971, he was honorably released from active duty and transferred to United States Army Reserves. He served 2 years of active net service with no lost time during this period. His DD Form 214, as amended by a DD Form 215 (Correction to DD Form 214) shows he was awarded/authorized the:

- National Defense Service Medal
- Army Commendation Medal
- Expert Badge w/ Automatic Rifle Bar
- Sharpshoot Badge w/Rifle Bar
- Republic of Vietnam Gallantry Cross with Palm Unit Citation Badge
- Republic of Vietnam Campaign Ribbon with Device (1960)
- Meritorious Unit Commendation
- Expert Badge with Hand Grenade Bar
- Republic of Vietnam Civil Action Medal First Class Unit Citation
- Vietnam Service Medal with 2 Bronze Service Stars

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 evidence shows the applicant served on active duty from 14 July 1969 to 13 July 1971, completing 2 years of active service. His conduct and efficiency ratings were excellent, and there is no derogatory information on file to disqualify 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 14 July 1969 through 13 July 1971
- adding award of 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.

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 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.

//NOTHING FOLLOWS//