

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 April 2024

DOCKET NUMBER: AR20230010270

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 30 October 1972 to reflect the following:

- Promotion to the rank/grade of sergeant (SGT)/E-5
- Addition of his Letter of Commendation and Certificate of Appreciation and all military awards

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

- DD Form 149 (Application for Correction of Military Record)
- Letter of Commendation, 4 June 1971
- Certificate of Appreciation
- DD Form 214, ending 30 October 1972

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 earned and was promoted to the rank of SGT and would like his record to reflect it.

3. A review of the applicant's available service record reflects the following:

a. On 4 February 1971, he was inducted into the Army of the United States in military occupational specialty 11C (Infantry Indirect Fire Crewman).

b. DA Form 20 (Enlisted Qualification Record) reflects the following:

(1) Item 33 (Appointments and Reductions) reflects:

- Private (PV1)/E-1, effective 4 February 1971
- Private (PV2)/E-2, effective 9 April 1971
- Private First Class (PFC)/E-3, effective 17 May 1971
- Specialist 4 (SP4)/E-4, effective 4 June 1971

(2) Item 31 (Foreign Service) shows service in Germany from on or about 27 June 1971 to on or about 29 June 1973.

(3) Item 38 (Record of Assignments) shows he had all excellent for conduct and efficiency.

(4) Item 41 (Awards and Decorations) reflects:

- National Defense Service Medal
- Expert Infantryman Badge
- Expert Marksmanship Qualification Badge with Mortar Bar (81 Millimeter)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

c. His DD Form 214 for the period ending 30 October 1972 reflects an honorable release from active duty and transfer to the U.S. Army Reserve (USAR) Control Group (Annual Training) with service from 4 February 1971 to 30 October 1972 for a net active service this period of 1 year, 8 months, and 27 days. Item 5a (Grade, Rate or Rank) reflects SP4 and 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)
- Marksman Marksmanship Qualification Badge with Pistol Bar (.45 Caliber)
- Expert Marksmanship Qualification Badge with Mortar Bar (81 Millimeter)

d. On 26 January 1977, the Office of the Adjutant General, Reserve Components Personnel and Administration Center issued Orders Number 01-1007155 honorably discharging him from the Standby Reserve, effective 3 February 1977, at the rank/grade of SP4/E-4

e. The applicant's records are void of any Uniform Code of Military Justice action and any derogatory information that would preclude him from being awarded the Army Good Conduct Medal.

4. The applicant provides the following:

a. Letter of Commendation, dated 4 June 1971, presented to him from the Brigade Commander, Headquarters, 3D Training Brigade, U.S. Army Training Center (USATC),

Infantry recognizing him for being selected by the officers and non-commissioned officers as the Distinguished Mortar Crewman for his company during the Advanced Individual Training cycle.

b. Certificate of Appreciation awarded in appreciation for his honorable service from 4 February 1971 to 30 October 1972.

**BOARD DISCUSSION:**

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.
2. The Board noted the instructions for completing the DD Form 214 do not provide for listing letters of commendation or certificates of appreciation on the form. The Board determined the absence of these items on the applicant's DD Form 214 is not an error.
3. The Board found no evidence indicating the applicant was promoted to SGT/E-5. The Board determined the rank and grade recorded on his DD Form 214 are not errors.
4. Although he did not request it, the Board determined he was eligible for the Army Good Conduct Medal. The Board determined he should be awarded this medal and it should be added to his DD Form 214.
5. The Board concurred with the correction described in Administrative Note(s) below.

**BOARD VOTE:**

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	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:

- Awarding him the Army Good Conduct Medal (1st Award) for the period 4 February 1971 through 30 October 1972
- Adding the Army Good Conduct Medal (1st Award) to his DD Form 214
- Making the correction described in Administrative Note(s) below

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 any relief in excess of that described above.

9/18/2024

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 is authorized a badge that was not listed on his DD Form 214. Please correct the DD Form 214 by adding the Expert Infantryman Badge.

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 prescribes the separation documents that will be furnished each individual who is separated from the Army. Source documents will consist of DA Form 20. Item 5a; enter the grade in which serving at the time of separation, indicating whether permanent or temporary. Item 30; if grade as shown in item 5 is not permanent, enter permanent grade, date of

appointment, and date of rank if different from date of appointment. There is no provision in the regulation for the addition of Letters of Commendation or Certificates of Appreciation.

3. AR 600-200 (Enlisted Personnel Management System) in effect at the time states in section 7-3 (Authority to promote) states pay grades E-5 and E-6. Field grade commanders of any organization which is authorized a commander in the grade of lieutenant colonel or higher may promote assigned personnel to pay grades E-5 and E-6.

4. AR 600-8-22 (Military Awards) prescribes Department of the Army (DA) policy, criteria, and administrative instructions concerning individual and unit military awards. 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

//NOTHING FOLLOWS//