

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 May 2024

DOCKET NUMBER: AR20230010882

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Army Commendation Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- Army Commendation Medal Citation
- DD Form 214, for the period ending 24 September 1970

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 has documentation from his command showing he was awarded the Army Commendation Medal in June 1968 for his service in Europe.
3. He enlisted in the Regular Army on 4 October 1967.
4. His DA Form 20 (Enlisted Qualification Record) shows in:
 - a. item 31 (Foreign Service), he received overseas tour credit for service in Germany from 27 July 1968 through 28 September 1970;
 - b. item 38 (Record of Assignments), he was assigned to Headquarters, Armed Forces Recreation Center, Berchtesgaden, Germany, as a chaplain's assistant from 28 July 1968 through 17 September 1970; and
 - c. item 41 (Awards and Decorations), he was awarded the National Defense Service Medal and Sharpshooter Marksmanship Qualification Badge with Rifle Bar.

5. He provided a citation showing he was awarded the Army Commendation Medal for meritorious service as a chaplain's assistant while assigned to Headquarters, Armed Forces Recreation Center, U.S. Army Europe, from June 1968 to September 1970.
6. His records do not contain and he did not provide orders awarding him the Army Commendation Medal.
7. His records do not contain a commander's disqualification for the first award of the Army Good Conduct Medal. His DA Form 20 shows he received ratings of "Excellent" for conduct and efficiency in each of his assignments, where rated.
8. He was honorably released from active duty in the rank/grade of specialist five/E-5 on 24 September 1970. He completed 2 years, 11 months, and 21 days of net active service during this period. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) of his DD Form 214 lists the following awards:
 - National Defense Service Medal
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar

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 review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the Board determined there was sufficient evidence, including his provided Army Commendation Medal Citation from June 1968 to September 1970 in the performance of his duties while assigned to U.S. Army Europe. His record reflects service in Germany from 27 July 1968 to 28 September 1970. Based on this, the Board granted relief to correct the applicant's record to reflect award of the Army Commendation Medal.
2. During a review of the applicant's record by the Board, the Board noted the applicant's record shows excellent conduct and efficiency ratings for the period 13 June 1968 to 18 September 1970 and determined he is authorized 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 Army records of the individual concerned be corrected by awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 13 June 1968 to 18 September 1970 and amending his DD Form 214 for the period ending 24 September 1970 by:

- adding the Army Commendation Medal
- adding the Army Good Conduct Medal

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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 15-185 (Army Board for Correction of Military Records) prescribes policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. Board members will review all applications that are properly before them to determine the existence of an error or injustice and direct or recommend changes in military records to correct the error or injustice, if persuaded that material error or injustice exists and that sufficient evidence exists in the record. The ABCMR will decide cases on the evidence of record; it is not an investigative body. 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 (Military Awards), 3 June 1974 and in effect at the time, promulgated Department of the Army policy, criteria, and administrative instructions concerning individual military awards. Awards made by the President, the Secretary of Defense, and the Secretary of the Army will be announced in Department of the Army general orders. Awards of decorations and the Army Good Conduct Medal made by heads of Headquarters, Department of the Army Staff agencies, will be announced in permanent orders. Awards of decorations and the Army Good Conduct Medal made pursuant to delegated authority will be announced in permanent orders by the commanders authorized to make the awards.

a. Paragraph 2-18 (Army Commendation Medal) stated the Army Commendation Medal is awarded to any service member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service.

b. Chapter 3 (Good Conduct Medal) stated the Army Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in active federal military service. It is awarded on a selective basis to each Soldier who distinguishes him/herself from among his/her fellow Soldiers by his/her exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active federal military service.

(1) There is no right or entitlement to the medal until the immediate commander has made a positive recommendation for its award and until the awarding authority has announced the award in general orders.

(2) The Army Good Conduct Medal is 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 court-martial.

//NOTHING FOLLOWS//