

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 4 June 2024

DOCKET NUMBER: AR20230011180

APPLICANT REQUESTS:

- award of the Army Good Conduct Medal (AGCM) (First Award) and correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 23 December 1969 to show this award
- correction of his DD Form 214 to add the Army Commendation Medal (ARCOM)

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

DD Form 149 (Application for Correction of Military Record), 17 August 2023

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 his DD Form 214 shows honorable character of his service as does his separation papers. He was awarded the ARCOM, and it is shown on his DD Form 214 but the AGCM was not shown when he was discharged. Everyone discharged with no disciplinary actions taken against them, while in service, was awarded the AGCM, and he would like to receive this award.
3. In addition to the Army Commendation Medal, the applicant's records contain sufficient evidence to support additional awards and an administrative correction of his DD Form 214. These awards will be administratively to the "Administrative Notes" section of this document without the need for Board action.
4. The Board will consider the applicant's request for award of the Army Good Conduct Medal (1st Award).
5. A review of the applicant's service records shows:
 - a. On 20 May 1968, he was inducted into the Army of the United States.

b. On 22 November 1968, he was ordered to Vietnam and on 26 November 1968, he was assigned to 18th Surgical Hospital, Vietnam, and on 23 December 1968, he returned from Vietnam to the Continental United States.

c. General Orders Number 1167, dated 13 November 1969 reflects he was awarded the ARCOM for meritorious service in connection with military operations against a hostile force in the Republic of Vietnam from November 1969 to December 1969. The recommendation for and the ARCOM Certificate presented to the applicant on 19 December 1969.

d. His DD Form 20 (Enlisted Qualification Record) shows in:

(1) Item 29 (Qualification in Arms) –Expert Marksmanship Qualification Badge with Rifle Bar (M-14);

(2) Item 31 (Foreign Service) – U.S. Army Pacific-Vietnam from 22 November 1968 through 23 December 1969;

(3) Item 33 (Appointments and Reductions) – no reductions;

(4) Item 38 (Record of Assignments) – he received all "excellent" conduct and efficiency ratings, he was assigned to 18th Surgical Hospital from 26 November 1968 to 23 December 1969, and he participated in four campaigns.

(5) Item 41 (Awards and Decorations) – he was awarded or authorized: National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with Device (1960), Expert Marksmanship Qualification Badge with Rifle Bar (M-14)

(6) Item 44 (Lost Time Under section 972, Title 10, United States Code, and Subsequent to Normal Date Expiration of Term of Service) – no entries.

e. On 23 December 1969, shows he was honorably released from active duty and transferred to control of the U.S. Army Reserve Control Group (Annual Training). His DD Form 214 shows he completed 1 year, 7 months, and 4 days of active service. It also shows in in:

(1) item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – he was awarded or authorized: National Defense Service Medal, Republic of Vietnam Campaign Medal with Device (1960), Vietnam Service Medal, and Expert Marksmanship Qualification Badge with Rifle Bar (M-14).

(2) item 26a (Non-Pay Periods Time Lost (Preceding Two Years)) – none; and

(3) item 30 (Remarks) – in part, no record of time lost or court-marital convictions.

5. His records are void of a commander's disqualification, void of any disciplinary actions, and void of orders awarding him the AGCM (First Award for the period 20 May 1968 to 23 December 1969).

6. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for the AGCM (First Award) for the period 20 May 1968 to 23 December 1969, pertaining to the applicant.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The SM served on active duty from 20 May 1968 to 23 December 1969. He completed 1 year, 7 months, and 4 days of active service. His DA Form 20 shows he received "Excellent" conduct and efficiency ratings throughout his service. The Board determined he meets the criteria for award of the Army Good Conduct Medal (1st Award).

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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

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

BOARD DETERMINATION/RECOMMENDATION:

In addition to the correction addressed in Administrative Note(s) 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 the applicant the Army Good Conduct Medal for service during the period 20 May 1968 through 23 December 1969
- Adding awards of the Army Good Conduct (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(S): The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214 and should be administratively corrected to show in:

- a. Item 24, award of:
 - Army Commendation Medal
 - four bronze service stars to his previously issued Vietnam Service Medal

- Republic of Vietnam Gallantry Cross with Palm Unit Citation

b. Item 30 (Remarks) – "Vietnam Service: 22 November 1968 to 23 December 1969."

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

a. 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. Award may be made to a member of the armed forces of a friendly foreign nation who, after 1 June 1962, distinguishes himself or herself by an act of heroism, extraordinary achievement, or meritorious service, which has been of mutual benefit to a friendly nation and the United States. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. 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.

c. The Vietnam Service Medal was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which it participated in combat or was under orders in the combat zone and served at a normal post of duty.

4. 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.

5. Army Regulation 635-5 (Separation Documents), Effective 1 February 1967, prescribed the separation documents that would be furnished each individual who was separated from the Army including Active Duty Training personnel and established standardized procedures for the preparation and distribution of these documents. All

available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, DA Form 66, and orders.

a. In item 24, enter from item 21, DA Form 66 (Officer Qualification Record), or section 9, DA Form 20 (Enlisted Qualification Record) all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

b. In item 25a Enter inclusive dates of non-pay periods/time lost during the preceding 2 years.

c. In item 30(13) (Remarks), in part, if the individual lost any time prior to normal ETS as indicated in section 6, DA Form 20, enter the total number of days lost with inclusive dates. Example: "4 days lost under 10 U.S.C. 972 from 10 Nov 58 through 13 Nov 58."

d. In item 30(14) (Remarks), in part, indicate Indochina and Korea service on or after 5 August 1964 by entering inclusive dates of service for Vietnam and indicating "yes" or "no" for service in Indochina and Korea.

6. DA PAM 672-3 (Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)) shows:

a. The applicant participated in four campaigns:

- Vietnam Counteroffensive, Phase VI, 2 November 1968 – 22 February 1969
- TET 69 Counteroffensive, 23 February 1969 – 8 June 1969
- Vietnam Summer – Fall I 1969, 9 June 1969 – 31 October 1969
- Vietnam Winter-Spring 1970, 1 November 1969—30 April 1970

b. His unit of assignment in Vietnam, 18th Surgical Hospital, was not awarded any decorations while he was assigned to this unit.

7. Department of the Army General Orders Number 8, 19 March 1974, confirmed award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//