

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 May 2024

DOCKET NUMBER: AR20230011269

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) for the period ending 18 November 1974 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 under the Provisions of Title 10, U.S. Code, Section 1552)
- Army Commendation Medal Certificate, 11 October 1974, with Citation
- DD Form 214
- Honorable Discharge Certificate, 25 November 1977

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 awarded the Army Commendation Medal for meritorious service during the final days of his deployment, but it is not reflected on his DD Form 214.
3. He enlisted in the Regular Army on 26 November 1971.
4. The Army Commendation Medal Certificate, 11 October 1974, signed by the Commander in Chief, U.S. Army Europe, with Citation shows he was awarded the Army Commendation Medal for meritorious service during the period June 1972 through November 1977. The certificate does not contain the issuing command or permanent orders number.
5. His records do not contain orders awarding him the Army Commendation Medal.

6. His records do not contain a commander's disqualification for award of the Army Good Conduct Medal (1st Award). His records do not contain any courts-martial convictions.
7. Item 38 (Record of Assignments) of his DA Form 20 (Enlisted Qualification Record) shows he received ratings of "Excellent" for conduct and efficiency in each of his assignments where rated.
8. Item 41 (Awards and Decorations) of his DA Form 20 does not show award of the Army Commendation Medal or Army Good Conduct Medal (1st Award).
9. He was honorably released from active duty on 18 November 1974 and transferred to the U.S. Army Reserve Control Group (Reinforcement). He completed 2 years, 11 months, and 23 days of total active service. His DD Form 214 does not show award of the Army Commendation Medal or Army Good Conduct Medal (1st Award).
10. Army Reserve Components Personnel and Administration Center Orders 10-1125919, 26 October 1977, honorably discharged him from the Standby Reserve effective 25 November 1977.
11. His Honorable Discharge Certificate shows he was honorably discharged from the U.S. Army effective 25 November 1977.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was warranted. The applicant's contentions, his military records, and regulatory guidance were carefully considered.

a. A review of his official records did not reveal any orders for the Army Commendation Medal. However, he provides a certificate indicating award of the Army Commendation Medal Certificate, 11 October 1974, signed by the Commander, U.S. Army Europe, with Citation showing award of the Army Commendation Medal for meritorious service from June 1972 to November 1974. This citation is consistent with his last duty assignment and his scope of responsibilities. Despite the absence of permanent orders, the Board accepted the certificate as sufficient evidence to add the Army Commendation Medal to his DD Form 214.

b. As a related award, although not specifically requested by the applicant, the evidence shows he served on active duty from 26 November 1971 to 18 November 1974, completing 2 years, 11 months, and 23 days of total active service. His records do not contain a commander's disqualification for award of the Army Good Conduct

Medal (1st Award). His records do not contain any court-martial convictions or lost time. As such, the Board determined he qualifies for award of the Army Good Conduct Medal (1st Award).

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 the applicant the Army Good Conduct Medal for service during the period 26 November 1971 through 18 November 1974
- Adding awards of the Army Good Conduct and Army Commendation Medal 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 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 (Decorations, Awards, and Honors 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.

a. Paragraph 1-23 (Announcement of Awards) pertaining to decorations and the Army Good Conduct Medal stated:

(1) 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.

(2) 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.

(3) 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.

b. 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.

c. 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 a court-martial.

//NOTHING FOLLOWS//