

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 July 2024

DOCKET NUMBER: AR20230012201

APPLICANT REQUESTS: award of the Army Good Conduct Medal (AGCM) (First Award).

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

- DD Form 149 (Application for Correction of Military Record), 25 September 2023
- DD Form 214(Armed Forces of the United States Report of Transfer or Discharge), for the period ending 17 December 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 should have been awarded the Army Good Conduct Medal as he had one year of continuous service during war time and he served during the Vietnam era. The correction should be made because he had the required time in service to be awarded the medal.
3. The applicant's records contain sufficient evidence to support additional awards and administrative corrections of his DD Form 214 and will be listed in the administrative notes section.
4. A review of the applicant's service record shows:
 - a. On 31 December 1968, he enlisted in the Regular Army.
 - b. His DD Form 20 (Enlisted Qualification Record) shows in:
 - (1) item 29 (Qualification in Arms) – his weapons qualifications, as Expert Marksmanship Qualification Badge with Rifle Bar (M-14) and Marksman Marksmanship Qualification Badge with Rifle Bar (M-16);

(2) item 31 (Foreign Service) – 1 June 1969 to 3 May 1970; Vietnam

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

(4) item 38 (Record of Assignments) – he received all "excellent" conduct and efficiency ratings, he participated in three campaigns and he was assigned to:

- 4th Battalion, 39th Infantry Regiment, 9th Infantry Division from 5th Battalion, from 11 June 1969 to 13 July 1969
- 60th Infantry Regiment, 9th Infantry Division, from 11 June 1969 to 2 May 1970;

(5) item 41 (Awards and Decorations) – he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Bronze Star Medal
- Air Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Campaign Medal with Device (1960)
- Army Commendation Medal with V Device and 2 Oak Leaf Clusters
- Expert Marksmanship Qualification Badge with Machinegun Bar (M-60)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)

(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.

c. On 17 December 1970, he was honorably released from active duty. His DD Form 214 shows he completed 1 year, 11 months, and 17 days of active service. It also shows in:

(1) item 5a (Grade, Rate, or Rank) and item 5b (Pay Grade) – sergeant/E-5;

(2) he was awarded or authorized:

- National Defense Service Medal
- Combat Infantryman Badge
- Vietnam Service Medal with two bronze service stars
- Republic of Vietnam Campaign Medal with Device (1960)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Bronze Star Medal

- Air Medal
- Army Commendation Medal with V Device and two Oak Leaf Clusters
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)

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

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

5. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period 31 December 1968 to 17 December 1970.

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) pertaining to the applicant.

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 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 service from 31 December 1968 to 17 December 1970, a period of 1 year, 11 months, and 17 days. Based on this, the Board granted relief to correct the applicant's record to reflect award of the Army Good Conduct Medal (First 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 Army records of the individual concerned be corrected by awarding him the Army Good Conduct Medal (First Award) for exemplary service from 31 December 1968 to 17 December 1970 and adding the medal to his DD Form 214 for the period ending 17 December 1970.

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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): A review of the applicant's records show he was awarded or authorized the following awards not listed on his DD Form 214:

- one additional bronze service star to his previously awarded Vietnam Service Medal
- Valorous Unit Award
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation (Second Award)
- Expert Marksmanship Qualification Badge with Machinegun Bar (M-60)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

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

a. 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.

b. 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.

3. 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.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)), in effect at the time, shows:

a. His unit, 5th Battalion, 60th Infantry Regiment, 9th Infantry Division, was awarded:

- Valorous Unit Award by Department of the Army General Orders (DAGO) Number 43, 1972, for the period 1 May 1969 to 29 June 1970
- Republic of Vietnam Gallantry Cross with Palm Unit Citation by DAGO Number 55, 1971, for the period January 1969 to June 1969
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation by DAGO Number 59, 1969, for the period 19 December 1966 to 28 June 1969

b. His unit, 4th Battalion, 39th Infantry, was awarded Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation by DAGO Number 59, 1969, for the period 19 December 1966 to 28 June 1969.

c. He participated in three campaigns:

- Vietnam Summer-Fall I 1969, 9 June 1969—31 October 1969
- Vietnam Winter-Spring 1970, 1 November 1969—30 April 1970
- DA Sanctuary Counteroffensive, 1 May 1970—30 June 1970

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.

//NOTHING FOLLOWS//