

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 June 2023

DOCKET NUMBER: AR20230012563

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

- Army Commendation Medal
- Army Good Conduct Medal

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

- DD Form 149 (Application for Correction of Military Record)
- General Orders Number 405, 13 June 1973

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 does not include the Army Commendation Medal or Good Conduct Medal. It did not seem that important at that time with all other life issues being dealt with.
3. The applicant provided General Orders Number 405, issued on 13 June 1973, awarding the Army Commendation Medal. This will be administratively corrected and will not require action by the Board.
4. The applicant's complete records are unavailable for the Board to review. The applicant's available records contain his DD Form 214, which shows he enlisted in the Regular Army on 22 June 1970.
  - a. He attained the rank of sergeant with a date of rank of 1 February 1972.

b. He was honorably transferred to the U.S. Army Reserve on 21 June 1973. His DD Form 214 shows he completed 3 years of active service. He was awarded or authorized:

- National Defense Service Medal
- Parachute Badge
- Expert Marksmanship Qualification Badge (M-16)

5. His record is void of any general orders awarding him the Army Good Conduct Medal. It is also void of documentation that shows his conduct and efficiency ratings during his period of active duty. His record is also void of any documentation that is derogatory in nature, or that suggests his chain of command would have disapproved him for award of the Army Good Conduct Medal at the conclusion of the normal eligibility period.

6. On 5 January 1977, he enlisted in the U.S. Army Reserve Control Group for Reserve Officer Training Corps.

7. There is no reflection of service after this enlistment within his available service record.

8. By regulation (AR 672-5-1), the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active service, 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 and there must be no convictions by a court-martial. 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.

#### 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 22 June 1970 to 21 June 1973, a period of 3 years. 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 22 June 1970 to 21 June 1973
- adding the Army Good Conduct Medal (First Award) and Army Commendation Medal to his DD Form 214 for the period ending 21 June 1973

7/1/2024

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CHAIRPERSON

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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 shows his DD Form 214 omitted administrative entries in the awards block. As a result, amend the DD Form 214 by adding to item 24 the Army Commendation Medal.

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 672-5-1 (Decorations, Awards, and Honors Military Awards), in effect at the time, stated the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service 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; 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.

//NOTHING FOLLOWS//