

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 July 2024

DOCKET NUMBER: AR20230012921

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

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Report of Separation from Active Duty) for period ending 1 October 1976

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 never awarded the AGCM, and he met all qualifications and should have been awarded the medal.

3. A review of the applicant's service record shows:

a. Having had prior service in the Army National Guard, he enlisted in the Regular Army on 5 October 1973.

b. DA Form 2 (Personnel Qualification Record) in Section V (Miscellaneous), item 63 that the applicant was awarded or authorized the Good Conduct Medal (GCMDL) effective October 1976.

c. His DA Forms 2166-4 (Enlisted Efficiency Report) show the below conduct and efficiency ratings:

- 29 January 1974 – “Excellent” rating in Adaptability, Attitude, Initiative, Leadership, Responsibility and Duty Performance
- 13 March 1975 – “Outstanding” rating in Adaptability, Attitude, Initiative, Responsibility and Duty Performance and “Excellent” rating in Leadership

- 17 October 1975 - "Outstanding" rating in Adaptability, Attitude, Responsibility and Duty Performance and "Excellent" rating in Initiative and Leadership

d. His DA Forms 2166-5 (Enlisted Evaluation Report) show the below conduct and efficiency ratings:

- 10 February 1976 – "Superior to Most" rating in Demonstrated Overall Performance of Assigned Duties
- 22 September 1976 – "Exceeds or Meets Duty Requirements" rating in Demonstrated Overall Performance of Assigned Duties

e. On 1 October 1976, he was honorably released from active duty. His DD Form 214 (Report of Separation from Active Duty) shows he completed 2 years, 11 months, and 27 days of active service with 4 months and 20 days of prior active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M16-A1)
- Expert Marksmanship Qualification Badge with Hand Grenade Bar

4. 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:

- he completed nearly 3 years
- he received all excellent/outstanding conduct and efficiency ratings throughout his military service
- there is no record of a court-martial conviction

5. By regulation AR 635-5, the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant served on active duty from 5 October 1973 to 1 October 1976. He completed 2 years, 11 months, and 27 days of active service with 4 months and 20 days of prior active service. His DA Form 2 (Personnel Qualification Record) in Section V (Miscellaneous), shows in item 63 that he was awarded or authorized the Good Conduct Medal (GCMDL) effective October 1976. Therefore, the Board determined he is eligible for this award, and it should be added to his DD Form 214.

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 partial 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 5 October 1973 through 1 October 1976
- 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.

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 (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.

3. Army Regulation 635-5 (Separation Documents – Personnel Separations) states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

//NOTHING FOLLOWS//