

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 June 2024

DOCKET NUMBER: AR20230013166

APPLICANT REQUESTS: reconsideration of his previous request for award of the Army Good Conduct Medal.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:  
DD Form 149 (Application for Correction of Military Record).

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20210007146 on 24 August 2021.

2. The applicant states:

a. Although eligible for the Good Conduct Medal, he was denied the award because he was enrolled in the Army Weight Control Program. The Board should re-consider their previous determination based on the fact that the bar to reenlistment dated 3 July 1993 disqualifies him from receiving the Army Good Conduct Medal. He is asking for reconsideration because he is eligible for the award for the period 5 September 1992 to 2 July 1993.

b. At the time of the denial in 1992, he was serving at Multinational Force and Observers (MFO) Sinai Egypt. He passed his physical fitness test and always weighed in under the required weight and/or body fat percentage for his age and height. The only time he weighed over the maximum was after convalescence leave for a 1993 hemorrhoidectomy.

c. As an attorney, he volunteers to help homeless veterans. He is also a certified Department of Veteran's Affairs (VA) attorney and he helps low-income veterans with VA benefit claims. He is also active in military history organizations.

d. It is a source of anxiety that he cannot display the Army Good Conduct Medal with his awards and challenge coins. At the time he was apologetically told that he was not on the orders list for the Army Good Conduct Medal because the new commander

was focused on physical fitness and physical appearance. He already suffered from anxiety attacks due to near constant humiliation tactics (reference weight and physical training) and he chose not to rock the boat, a decision that he now regrets.

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

a. On 5 September 1989, he enlisted in the Regular Army.

b. His DA Form 2-1 (Personnel Qualification Record – Part II) shows in item 5 (Oversea Service) the applicant served in AMEA Sinai from 30 January 1992 to 21 July 1992.

c. On an undated memorandum, the applicant's immediate commander notified the applicant he was being considered for separation under the provisions of Army Regulation (AR) 635-200 (Personnel Separations - Enlisted Personnel), Chapter 5-15.

d. On 1 July 1993:

(1) DA Form 4126 (Bar to Reenlistment Certificate) was initiated by the applicant's immediate commander based on the applicant's enrollment in the Army Weight Control Program and making no significant progress.

(2) DA Form 4187 (Personnel Action) was completed showing the applicant requested a voluntary separation.

e. On 3 August 1993, the applicant was honorably released from active duty by reason of locally imposed bar to reenlistment. He was awarded or authorized:

- Army Service Ribbon
- National Defense Service Medal
- Multinational Forces Observer Ribbon

4. The applicant's records are void of any nonjudicial punishment. Likewise, it is void of a commander's disqualification for award of the Army Good Conduct Medal.

5. On 24 August 2021, in Docket Number AR20210007146, the Board found that relief was not warranted. Evidence of record shows the applicant had a Bar to Reenlistment. The Board determined the Bar to Reenlistment disqualified the applicant from receiving the award.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.
2. The Board noted that in the same month that the applicant had completed the 3 years of active duty service required as part of the criteria for the Army Good Conduct Medal, he was referred to the Army weight control program. The Board found it unlikely that a command would process an award recommendation for a Soldier who was not meeting fitness standards and was eventually discharged due to a bar to reenlistment that resulted from his inability to return to standard. Based on a preponderance of the evidence, the Board determined the absence of the Army Good Conduct Medal in the applicant's record is not in error or unjust.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined that the overall merits of this case are insufficient as a basis to amend the decision of the ABCMR set forth in Docket Number AR20210007146 on 24 August 2021.

12/19/2024

X

CHAIRPERSON

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. Army Regulation 600-8-22 (Military Awards) states the Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified. Any one of the following periods of continuous enlisted active Federal military service qualifies for award:

- Each 3 years 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
- For first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year
- For 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
- For first award only, for those individuals who died before completing 1 year of active Federal service if the death occurred in the line of duty

2. Army Regulation 600-8-22 states that in instances of disqualification as determined by the unit commander, the commander will prepare a statement of the rationale for his or her decision. This statement will include the period of disqualification and will be referred to the individual concerned for response. The unit commander will consider the individual's statement. If the commander's decision remains the same, the commander will forward his or her statement, the individual's statement, and his or her consideration for permanent filing in the individual's Official Military Personnel File (OMPF). The immediate commander's decision to award the Army Good Conduct Medal will be based on his or her personal knowledge and of the individual's official records for the periods of service under previous commanders during the period for which the award is to be made. However, 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.

3. Army Regulation 600-8-22 states that while any record of non-judicial punishment could be in conflict with recognizing the Soldier's service as exemplary, such record should not be viewed as automatically disqualifying. The commander analyzes the record, giving consideration to the nature of the infraction, the circumstances under which it occurred, and when. Conviction by courts-martial terminates a period of qualifying service; a new period begins the following day after completion of the sentence imposed by the court-martial. Individuals for whom a bar to reenlistment has been approved are not eligible for award of the Army Good Conduct Medal. Disqualification for an award of the Army Good Conduct Medal can occur at anytime during a qualifying period. At the time, the custodian of the Soldier's Military Personnel

Records Jacket (currently the Electronic Military Personnel Office (e-MILPO) record) would establish the new "beginning date" for the Soldier's eligibility for award of the Army Good Conduct Medal and indicate the date on the Soldier's DA Form 2-1 (or e-MILPO record).

//NOTHING FOLLOWS//