

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 August 2024

DOCKET NUMBER: AR20230013416

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

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer of Discharge), for the period ending 4 September 1970

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States 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:

a. His request for the AGCM is based on Executive Order 10444 dated 10 April 1954. He served 11 months and 11 days in the Army, of which 10 months, 11 days were served in Vietnam. His unit C Battery, 7th Battalion, 9th Artillery was deactivated from Vietnam under Operation Keystone Bluejay. He had no performance or disciplinary issues during his time in the Army. He served his country with distinction at a time when it was unpopular by many.

b. He recently discovered that he was not required to serve 3 years of service to be eligible for the AGCM. Under Executive Order 10444 he is eligible after serving 1 year while the United States was at war. He is 72 years of age and would appreciate the recognition to share his Army legacy with his family after he is gone.

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

a. The applicant was inducted into the Army of the United States (AUS) and on 24 September 1970.

b. His DA Form 20 (Enlisted Qualification Record) shows in item 31 (Foreign Service): service in Vietnam from 20 May 1969 to 1 April 1970.

c. The applicant accepted nonjudicial punishment on 9 July 1970, for failing to obey a lawful general regulation, by failing to maintain a well-groomed and neatly trimmed haircut.

d. Letter, dated 6 April 1970 shows the applicant was accepted to attend Southwestern College for the fall semester beginning 14 September 1970.

e. DA Form 2496 (Disposition Form), dated 6 July 1970 shows the applicant requested an early release from the Army effective on 4 September 1970 to attend Southwestern College. His normal expiration term of service was 23 September 1970.

f. The applicant's immediate commander and separation authority recommended approval of the applicant's request for early release effective 4 September 1970.

4. The applicant's DD Form 214 shows he was discharged on 4 September 1973, in the rank/grade of SP4/E-4, under the provisions Army Regulation 635-200, with an honorable characterization of service. He completed 1 year, 11 months, and 11 days of active service. He was awarded or authorized:

- Army Commendation Medal
- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Marksman Marksmanship Qualification Badge (M16 Rifle)

5. The applicant's record is void of orders or other evidence such as a recommendation for the Army Good Conduct Medal.

BOARD DISCUSSION:

1. 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 24 September 1968 to 4 September 1970, completing 1 year, 11 months, and 11 days of active service. Aside from a minor NJP for failing to maintain a haircut, his record is void of any derogatory information, such as lost time or conviction by a court-martial, that would have disqualified him from receiving this award. Therefore, the Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

BOARD VOTE:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 24 September 1968 through 4 September 1970
- adding awards of the Army Good Conduct (1st Award) to his DD Form 214

3

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 silver star and two bronze service stars to his previously awarded Vietnam Service Medal
- Presidential Unit Citation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Action Honor Medal Civil Actions Honor 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 600-8-22 (Military Awards) states the Army Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in active Federal military service over a specified period time. It is awarded on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by their 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.

//NOTHING FOLLOWS//