

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 July 2024

DOCKET NUMBER: AR20230013757

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Army Commendation Medal (ARCOM) (2nd Award).

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

- DD Form 149 (Application for Correction of Military Record), 18 September 2024
- Two ARCOM Citations, 28 August 1971 to 4 September 1971 and April 1971 to April 1972
- Two DA Forms 4980-14 (ARCOM Certificate), 17 November 1971 and 6 March 1972
- DD Form 214, for the period ending 17 February 1972

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 provides:
 - a. Two ARCOM Citations showing meritorious achievement for awards of the ARCOM for the periods 28 August 1971 to 4 September 1971 and April 1971 to April 1972.
 - b. Two ARCOM Certificates showing ARCOM awarded to him on 17 November 1971 and on 6 March 1972 for meritorious achievement.
3. The applicant's records contain sufficient evidence to support additional awards and administrative correction of his DD Form 214 and will be listed in the administrative notes section.

4. As a separate issue, the Board may consider the award of the Army Good Conduct Medal (AGCM) (First Award) for his active service during the period 30 October 1970 to 17 February 1972.

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

a. On 30 October 1970, he was inducted into the Army of the United States.

b. His DD Form 20 (Enlisted Qualification Record) shows in:

(1) item 29 (Qualification in Arms) – Expert Marksmanship Qualification Badge with Hand Grenade Bar and Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16);

(2) item 31 (Foreign Service) – 5 April 1971 to 16 February 1972; Vietnam

(3) item 33 (Appointments and Reductions) – no reductions; the highest grade/pay grade he was promoted to was specialist 4/E-4;

(4) item 38 (Record of Assignments) – he received all "excellent" conduct and efficiency ratings, he participated in three campaigns and he was assigned to Security Guard Company, U.S. Army Depot Long Binh, Vietnam from 17 April 1971 to 16 February 1972;

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

- National Defense Service Medal
- Vietnam Service Medal
- Expert Marksmanship Qualification Badge with Hand Grenade Bar
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

(6) and in 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 February 1972, he was honorably released from active duty and transferred to control of the U.S. Army Reserve Control Group (Annual Training). His DD Form 214 shows he completed 1 year, 3 months, and 18 days of active service. It also shows in:

(1) item 5a (Grade, Rate, or Rank) and item 5b (Pay Grade) – specialist 4/E-4;

(2) he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)

(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.

d. General Orders Number 296, issued from Headquarters, U.S. Army Support Command, Saigon, dated 3 March 1972, awarded him the ARCOM for meritorious service for the period April 1971 to April 1972.

6. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal (First Award) for the period 30 October 1970 to 17 February 1972.

7. 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 ARCOM (2nd Award) or the AGCM (First Award) pertaining to the applicant.

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 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 the two Army Commendation Medal Certificates he provided for the periods 28 August 1971 to 4 September 1971 and from April 1971 to March 1972.
2. Prior to closing the discussion, the Board granted relief to correct the applicant's record to reflect award of the Army Good Conduct Medal (First Award). Additionally, the Board noted and concurred with the administrative corrections listed below.

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:

- adding the Army Commendation Medal (2nd Award) to his DD Form 214
- awarding him the Army Good Conduct Medal (First Award) for exemplary service from 30 October 1970 to 17 February 1972
- adding the medal 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.

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:

- three bronze service stars to his previously awarded Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Expert Marksmanship Qualification Badge with Hand Grenade Bar
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

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 Commendation Medal is awarded to any service member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. Award may be made to a member of the armed forces of a friendly foreign nation who, after 1 June 1962, distinguishes himself or herself by an act of heroism, extraordinary achievement, or meritorious service, which has been of mutual benefit to a friendly nation and the United States. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. 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.

c. 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 he participated in three campaigns:

- Vietnam Counteroffensive, Phase VII, 1 July 1970—30 June 1971
- Consolidation I, 1 July 1971—30 November 1971
- Consolidation II, 1 December 1971—29 March 1972

5. Department of the Army General Orders Number 8, 19 March 1974, confirmed award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

6. 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.

a. A DD Form 214 would be furnished at the time of separation to each member of the Regular Army.

b. In item 24, enter from item 21, DA Form 66 (Officer Qualification Record), or section 9, DA Form 20 (Enlisted Qualification Record) all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

//NOTHING FOLLOWS//