

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 August 2024

DOCKET NUMBER: AR20230013912

APPLICANT REQUESTS: correction of the deceased former servicemember's (SM) record to show he was awarded the:

- Philippine Liberation Medal [Ribbon]
- Army Good Conduct Medal (AGCM)

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

- DD Form 149 (Application for Correction of Military Record)
- Honorable Discharge Certificate
- WD AGO Form 53-55 (Enlisted Record and Report of Separation Honorable Discharge)

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 SM's complete military service records are not available to the Board for review. A fire at the National Personnel Records Center, St. Louis, MO in 1973 destroyed 80 percent of the records of Army personnel who were discharged from 1 November 1912 - 1 January 1960. It is believed that the SM's records may have been lost or destroyed in that fire. The documents available are sufficient for the Board to conduct a fair and impartial review of this case.
3. The applicant, the SM's son, states, the SM qualified for award of the AGCM and the Philippine Liberation Medal [Ribbon]. It appears to be a clerical error that omitted the awards being made. The SM was unaware that he could apply to the Board for correction of his records. The applicant is trying to correct the SM's record posthumously. The SM indicated, due to his frequent reassignments he was not under a single commander long enough to have the awards logged.

4. The applicant provides the following documents:

a. The SM's Honorable Discharge Certificate, 4 November 1945.

b. WD AGO 53-55 (Enlisted Record and Report of Separation Honorable Discharge) shows the SM was inducted into the Army on 7 June 1943 and was honorably discharged on 4 November 1945. He departed for service in the Asian Pacific Theater on 18 November 1944 and arrived on 4 December 1944. He was in the New Guinea battle/campaign. His total length of service was 1 year, 5 months and 16 days with 11 months and 5 days of foreign service. He had no lost time.

5. The SM's service record contained a War Department Form 372A (Final Pay Worksheet), which is available for the Board's review.

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 former servicemember's (SM) record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and the former service member's available military record, the Board determined there is sufficient evidence to support correction to the former SM records to show award of the Philippine Liberation Medal [Ribbon] and the Army Good Conduct Medal (AGCM). Evidence shows the applicant served in the Asian Pacific Theater in the New Guinea battle/campaign. The Board determined the applicant completed 11 months and 5 days of foreign service. Based on this, the Board granted relief to award the Army Good Conduct Medal and the Philippine Liberation Medal (Ribbon).

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 the Army records of the individual concerned be corrected by adding to the former SM WD AGO Form 53-55 to show award of:

- Philippine Liberation Medal (Ribbon).
- Army Good Conduct Medal (1st Award) for exemplary service from 7 June 1973 to 4 November 1945 and adding the medal to his WD AGO Form 53-55.

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 (AR) 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Philippine Liberation Ribbon was awarded for service in the liberation of the Philippines from 17 October 1944 to 3 September 1945 under any of the following conditions:
 - a. Participated in the initial landing operations on Leyte or adjoining islands from 17 October 1944 to 20 October 1944. An individual will be considered as having participated in such operations if he landed on Leyte or adjoining islands, was on a ship in Philippine waters, or was a crewmember of an airplane which flew over Philippine territory during the period;

b. Participated in any engagement against the enemy during the campaign on Leyte and adjoining islands. An individual will be considered as having participated in combat if he meets any of the criteria for award of the Philippine Defense Ribbon;

c. Participated in any engagement against the enemy on islands other than those included in for awards of the Philippine Defense Ribbon. An individual will be considered as having participated in combat if he or she meets any of the criteria of the Philippine Defense Ribbon; or

d. Have served in the Philippine Islands or on ships in Philippine waters for not less than 30 days during the period.

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. 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. 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//