

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 September 2024

DOCKET NUMBER: AR20240000918

APPLICANT REQUESTS: 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. 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 is requesting award of the Army Good Conduct Medal. He believes it was an oversight and he should have received the award. He never had any problems or got in any type of trouble, and he was promoted many times. The award should be in his permanent records.
3. A review of the applicant's service records show:
 - a. He enlisted in the Regular Army on 18 March 1968.
 - b. His DA Form 20 (Enlisted Qualification Record) shows in:
 - c. (1) Item 31 (Foreign Service) – service in Vietnam from 28 July 1969 to 27 June 1970.
 - (2) Item 33 (Appointments and Reductions) – no noted reductions
 - (3) Item 38 (Record of Assignments) – he received "excellent" conduct and efficiency ratings, and he was assigned to the following units in Vietnam:
 - Headquarters and Headquarters Battery, 3rd Battalion, 197th Artillery, from 28 July 1969 to 27 August 1969

- Headquarters and Headquarters Battery, 23rd Artillery, from 28 August to 3 September 1969
- Headquarters and Headquarters Battery, 2nd Battalion, 12th Artillery, from 4 September 1969 to 23 July 1970

(4) Item 41 (Awards and Decorations) – National Defense Service Medal, Vietnam Service Medal, Army Commendation Medal, Republic of Vietnam Campaign Medal with Device (1960), Two overseas bars, Bronze Star Medal, and Expert Marksmanship Qualification Badge with Rifle Bar (M-14)

c. On 22 January 1971, he was honorably released from active duty. His DD Form 214 shows he completed 2 years, 9 months and 5 days of active service. He was awarded or authorized:

- National Defense Service Medal
Republic of Vietnam Campaign Medal with Device
1960 Expert Marksmanship Qualification Badge with Rifle Bar
Vietnam Service Medal two overseas bars
Army Commendation Medal
Bronze Star Medal

4. A review of the applicant's service record confirms he is eligible for awards that are not recorded on his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

5. 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

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 evidence shows the applicant served on active duty from 18 March 1968 to 22 January 1971. He completed 2 years, 9 months, and 5 days of active service. He also received all excellent conduct and efficiency ratings throughout his military service and there is no record of a non-judicial punishment and/or court-martial conviction, or a commander's disqualification statement. Therefore, the Board determined he meets the criteria for this award.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

In addition to the correction addressed in Administrative Note(s) below, 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:

- Awarding the applicant, the Army Good Conduct Medal for service during the period 18 March 1968 through 22 January 1971.
- 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.

ADMINISTRATIVE NOTE(S):

The applicant's records contain sufficient evidence to support additional awards not reflected on his DD Form 214 for the service period ending 22 January 1971. As a result, amend his DD Form 214 by adding:

- Republic of Vietnam Civil Actions Honor Medal
- Republic of Vietnam Gallantry Cross Unit Citation with Palm
- four bronze service stars to his previously awarded Vietnam Service 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 635-5 (Separation Documents), 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. In item 24, enter from item 21, all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.
3. 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.
4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) assist commanders and personnel officers in determining or

establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict.

a. Department of the Army General Orders (DAGO) Number 8, dated 1974, announced award of the Republic of Vietnam Gallantry Cross Unit Citation with Palm 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.

b. DAGO Number 51, dated 1971, announced award of the Republic of Vietnam Civil Actions Honor Medal, First Class to 197th Artillery, 3d Battalion, for service in Vietnam for the period 1 August 1968 to 31 July 1969.

//NOTHING FOLLOWS//