

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240001427

APPLICANT REQUESTS: Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending on 5 November 1997, to show award of the Korea Defense Service Medal and the Army Good Conduct Medal (2nd Award).

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 2-17, issued by the U.S. Army Aberdeen Proving Ground Support Activity
- Permanent Order Number: 76-2, issued by Headquarters Battery, 1st Battalion, 15th Field Artillery
- Permanent Order Number: 6-48, issued by Headquarters Battery, 1st Battalion, 15th Field Artillery
- Medical Clearance for CONUS (Continental United States) Returnees
- DA Form 2-1 (Personnel Qualification Record – Part II)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 while on active duty he served a 12 month hardship tour in South Korea from 1 April 1992 to 31 March 1993. He also states he served on active duty from 1 October 1991 until 5 November 1997, was honorably discharged, and never submitted for the second award of the Army Good Conduct Medal.

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

- a. He enlisted in the Regular Army on 1 October 1991.
- b. DA Form 2-1, item 5 (Oversea Service) shows service in Korea from 1 April 1992 through 31 March 1993, and he was credited with normal tour completion.

c. Permanent Orders Number 79-116, issued by C Detachment, 15th Personnel Service Battalion (Provisional) dated 9 August 1994, awarded him the Army Good Conduct Medal (1st Award) for service from 1 October 1991 through 30 September 1994.

d. On 28 April 1995 he immediately reenlisted in the Regular Army for a term of 4 years.

e. On 16 September 1997, the applicant's immediate commander notified him of his intent to separate him in accordance with Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), chapter 5-8. His reason for the proposed action was that he repeatedly failed to meet his military obligations and maintain a family [care plan] as a sole parent.

f. The applicant acknowledged receipt of the commander's intent to separate and declined the opportunity to meet with counsel pertaining to the separation proceedings on 16 September 1997.

g. On 17 September 1997, the acting intermediate commander concurred with the immediate commander's recommendation and recommended the applicant be separated with an honorable discharge and transferred to the Individual Ready Reserve (IRR).

h. On 14 October 1997, the separation authority directed separation in accordance with AR 635-200, paragraph 5-8 and directed the issuance of an honorable discharge certificate.

i. The applicant was released from active duty under the provisions of AR 635-200, Chapter 5-8, for Parenthood on 5 November 1997. His discharge was characterized as honorable. He completed 6 years, 1 month, and 5 days of active service. His DD Form 214 shows he was awarded:

- Army Lapel Button
- Army Achievement Medal
- National Defense Service Medal
- Army Service Ribbon
- Overseas Service Ribbon
- Expert Marksmanship Qualification Badge with Rifle Bar
- Drive and Mechanic Badge with Driver-T Bar
- Driver and Mechanic Badge with Mechanic Bar

4. The applicant provides:

a. Orders Number 2-17, issued by the U.S. Army Aberdeen Proving Ground Support Activity, 3 January 1992 that directs a permanent change of station from Company A, 143d Ordnance Battalion, 61st Ordnance Brigade to 1st Adjutant General Replacement Detachment (Korea).

b. Permanent Order Number 76-2, issued by Headquarters Battery, 1st Battalion, 15th Field Artillery, dated 29 October 1992, that shows he was awarded the Mechanic Badge (M) for service from 29 October 1991 to 29 October 1992.

c. Permanent Order Number 6-48, issued by Headquarters Battery, 1st Battalion, 15th Field Artillery, dated 25 January 1993, that is partially legible that shows award of the Driver's Badge (T).

d. Medical Clearance for CONUS (Continental United States) Returnees dated 22 March 1993, that shows he was medically screened and determined to be fit to travel.

6. The applicant's record does not contain evidence his commander disqualified him for award of the Army Good Conduct Medal (2nd Award). His record does not contain evidence of a court-martial conviction nor any other derogatory information that would disqualify him from the second award of the Army Good Conduct Medal.

#### 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.

a. Korea Defense Service Medal: Grant. The evidence shows the applicant served in Korea from 1 April 1992 through 31 March 1993, and he was credited with normal tour completion. He meets the criteria for award of the Korea Defense Service Medal.

b. Army Good Conduct Medal (2nd Award): Grant. The evidence of record shows the applicant served on active duty from 1 October 1991 to 5 November 1997, completing a total of 6 years, 1 month, and 5 days of active service. He was awarded one award of the Army Good Conduct Medal for service from 1 October 1991 through 30 September 1994. His record does not contain contains any derogatory information or a commander's disqualification memorandum for a second award. Therefore, the Board determined he meets the criteria for a second 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 (2nd Award) for service during the period 1 October 1994 through 30 September 1994
- Adding award of the Korea Defense Service Medal and Army Good Conduct (2nd 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.

REFERENCES:

1. Title 10, USC, 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. AR 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. 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.

b. The Korea Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense.

//NOTHING FOLLOWS//