

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 November 2024

DOCKET NUMBER: AR20240002428

APPLICANT REQUESTS:

- in effect, correction to his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show:
 - Army of Occupation Medal (Germany)
 - Army Good Conduct Medal
 - National Defense Service Medal
 - Vietnam Service Medal
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 3 December 1964

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 served in Germany during war time from November 1961 to December 1964.
3. A review of the applicant's service record shows:
 - a. On 8 November 1961, he enlisted in the Regular Army.
 - b. DA Form 20 (Enlisted Qualification Record), Block 29 (Foreign Service) shows service in Germany from 3 March 1962 to 10 March 1964 for a total service of 1 year and 11 months.

c. DA Form 24 (Service Record), Section 5 – (Service Outside Continental United States) shows service in Bremerhaven, Germany. Section 9 – (Medals, Decorations, and Citations) lists the following:

- Marksman Marksmanship Qualification Badge M-1 Rifle
- Marksman Marksmanship Qualification Badge M-14 with Rifle Bar
- Expert Marksmanship Qualification Badge M-14 with Rifle Bar

d. He was honorably released on 3 December 1964. His DD Form 214 shows he completed 3 years and 26 days of active service. It also shows in:

- item 24c (Foreign and/or Sea Service): 1 year, 11 months, and 18 days
- item 26 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-1)
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-14)

4. By regulation (Army Regulation 600-8-22 (Military Awards)):

a. The Army of Occupation Medal was established by War Department General Orders 32, 1946. It is awarded for service for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger, TDY, or detached service) while assigned to any of the following: (1) Army of Occupation of Germany (exclusive of Berlin) between 9 May 1945 and 5 May 1955. Service between 9 May and 8 November 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service before 9 May 1945.

b. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

c. The National Defense Service Medal was established by EO 10448, 22 April 1953, as amended by EO 11265, 11 January 1966; EO 12776, 18 October 1991, as amended by EO 13293, 28 March 2003; and SECDEF Memorandum, dated 26 April 2002. The NDSM may be awarded for both active and reserve service, as defined by section 10 USC 10143.

d. The Vietnam Service Medal was established by EO 11231, 8 July 1965, as amended by EO 13286, 2 February 2003. It is awarded to all Servicemembers of the Armed Forces of the United States serving in Vietnam and its contiguous waters or airspace there over after 3 July 1965 through 28 March 1973. Servicemembers of the Armed Forces of the United States in Thailand, Laos, or Cambodia, or the airspace

there over, during the same period and serving in direct support of operations in Vietnam are also eligible for this award.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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. The evidence of record shows the applicant served in Germany from 3 March 1962 to 10 March 1964. The Board found the evidence supports award of the Army Good Conduct Medal, specifically for service from 8 November 1961 to 3 December 1964. Additionally, the Board determined the applicant served a qualifying period for award of the National Defense Service Medal.
2. Upon review of the applicant's petition and available military records, the Board determined his record is void of documentation to support he met the criteria for award of the Army of Occupation Medal (Germany) or the Vietnam Service Medal.
3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

■ ■ ■ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding him the Army Good Conduct Medal for the qualifying period 8 November 1961 to 3 December 1964
- adding to his DD Form 214, for the period ending 3 December 1964, the Army Good Conduct Medal and National Defense Service Medal

2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to award of the Army of Occupation Medal (Germany) and the Vietnam Service Medal.

3/28/2025

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CHAIRPERSON

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.

a. Paragraph 5-8 states the Army of Occupation Medal was established by War Department General Orders 32, 1946. It is awarded for service for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger, TDY, or detached service) while assigned to any of the following:

- Army of Occupation of Germany (exclusive of Berlin) between 9 May 1945 and 5 May 1955. Service between 9 May and 8 November 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service before 9 May 1945.
- Army of Occupation of Austria between 9 May 1945 and 27 July 1955. Service between 9 May and 8 November 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service before 9 May 1945.
- Army of Occupation of Berlin between 9 May 1945 and 2 October 1990. Service between 9 May and 8 November 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service before 9 May 1945.

b. Paragraph 4-1 states the Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified. Any one of the following periods of continuous enlisted active Federal military service qualifies for award:

- Each 3 years 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
- For first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year

- For 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

c. Paragraph 2-10b states, in effect, the National Defense Service Medal was established on 22 April 1953 and is awarded for honorable active service for any period between:

- 27 June 1950 and 27 July 1954 (Korea), both dates inclusive.
- 1 January 1961 and 14 August 1974 (Vietnam), both dates inclusive.
- 2 August 1990 and 30 November 1995 (Persian Gulf).
- 11 September 2001 to a date to be determined (Global War on Terrorism)

d. Paragraph 2-13 states the Vietnam Service Medal was established by EO 11231, 8 July 1965, as amended by EO 13286, 2 February 2003. It is awarded to all Servicemembers of the Armed Forces of the United States serving in Vietnam and its contiguous waters or airspace there over after 3 July 1965 through 28 March 1973. Servicemembers of the Armed Forces of the United States in Thailand, Laos, or Cambodia, or the airspace there over, during the same period and serving in direct support of operations in Vietnam are also eligible for this award. To qualify for award of the VSM an individual must meet one of the following qualifications:

- Be attached to or regularly serve for 1 or more days with an organization participating in or directly supporting military operations.
- Be attached to or regularly serve for 1 or more days aboard a U.S. naval vessel directly supporting military operations.
- Participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations.
- Serve on TDY for 30 consecutive days or 60 nonconsecutive days in Vietnam or contiguous areas, except that time limit may be waived for personnel participating in actual combat operations.

3. AR 635-5 (Separation Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The instructions stated to list awards and decorations for all periods of service.

//NOTHING FOLLOWS//