

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 November 2024

DOCKET NUMBER: AR20240002701

APPLICANT REQUESTS:

- award of the Army Good Conduct Medal
- any awards associated with service in Vietnam

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Photograph
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), for the period ending 13 May 1970
- Marriage License
- Certification of Death

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States Code (USC), section 1552 (b); however, the Army Board for Correction of Military Records 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, the spouse of a deceased former service member (SM) states she requested his service medals as they were lost. She did not receive his Good Conduct Medal or his Vietnam ribbons. She has not been shipped what was awarded. She is applying on behalf of the SM. She would like to have his records corrected to show the Good Conduct and Vietnam Medals on his DD Form 214.

3. The applicant provides:

- Photograph of a uniform depicting the National Defense Service Medal and Good Conduct Medal
- Certification of Death for SM, dated 3 November 2022
- DD Form 214
- Marriage License for State of Florida, Broward County, dated 24 June 1969

4. A review of the SM record shows:

- a. He was inducted into the Army of the United States on 18 October 1966
- b. His DA Form 20 (Personnel Qualification Record) shows service in Germany from 29 October 1968 to 17 May 1970. His record does not depict service in Vietnam.
- c. On 13 May 1970, he was honorably released from active duty. His DD Form 214 shows he completed 1 year, 11 months, and 21 days of active service with 1 year, 6 months, and 13 days of foreign service. It also shows he was awarded or authorized:
 - National Defense Service Medal
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

5. The SM's records contain sufficient evidence to support an award not shown on his DD Form 214. His DD Form 214 will be administratively corrected to show the award of the National Defense Service Medal.

6. By regulation, the Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of active Federal military service. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

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. Upon review of the applicant's petition and available military records, the Board determined there was sufficient evidence, including his service from 18 October 1966 to 13 May 1970, a period of 1 year, 11 months, and 21 days. Based on this, the Board granted relief to correct the applicant's record to reflect award of the Army Good Conduct Medal (First Award).

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted for the applicant's request for service and awards associated with service in Vietnam. The Board found no evidence to support the applicant served in Vietnam.

BOARD VOTE:

| <u>Mbr 1</u> | <u>Mbr 2</u> | <u>Mbr 3</u> | |
|--------------|--------------|--------------|----------------------|
| : | : | : | 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 partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 13 May 1970 by:

- awarding him the Army Good Conduct Medal (First Award) for the qualifying period 18 October 1986 to 13 May 1970
- adding the Army Good Conduct Medal (First Award) to his DD Form 214

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 service credit and awards for Vietnam.



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:

The applicant's records contain sufficient evidence to support an award not shown on his DD Form 214. His DD Form 214 will be administratively corrected to show the award of the National Defense Service Medal.

REFERENCES:

1. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within three years after discovery of the alleged error or injustice. This provision of law also allows the Army Board for Correction of Military Records (ABCMR) to excuse an applicant's failure to timely file within the three-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) 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.
- For first award only, for those individuals who died before completing 1 year of active Federal service if the death occurred in the line of duty

//NOTHING FOLLOWS//