

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 October 2024

DOCKET NUMBER: AR20240003544

APPLICANT REQUESTS: his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the service period ending 31 May 1973 be corrected to show the following awards:

- Expert Infantryman Badge
- 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 his home was burned in a wildfire on 18 August 2020. He lost all military records and is requesting a duplicate copy. Further he did not receive the Expert Infantryman Badge he was awarded in Korea. Before leaving Korea, he was also told he would receive the Army Good Conduct Medal, but never followed up. He earned his Expert Infantryman Badge and would like it back.
3. A review of the applicant's service record shows:
  - a. He was inducted into the Army of the United States on 1 June 1971.
  - b. His DA Form 20 (Enlisted Qualification Record) shows he served in Korea from 24 October 1971 through 23 November 1972. He was assigned in Korea to Company B, 1st Battalion, 23rd Infantry, 2nd Division as an 11B, Infantryman.
    - Block 27 (Military Education) – 11B10, Light Weapons Infantryman Course

- Block 33 (Appointments and Reduction) shows the applicant received promotions from private to specialist between 1 June 1971 and 10 February 1972, with no reductions.
- Block 38 (Record of Assignments) shows between 1 June 1971 and 31 May 1973 the applicants conduct and efficiency ratings were excellent, with no derogatory entries
- Block 41 (Awards and Decorations) shows award of National Defense Service Medal, Armed Forces Expeditionary Medal, and Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- Block 43 (Inserts) there is no evidence of any court-martial convictions added
- Block 44 (Time Lost Under Section 972, Title 10, United States Code and Subsequent to Normal Dates ETS) is void of derogatory information

c. Special Orders #442 dated 28 July 1971, shows the applicant earned the Marksman Marksmanship Qualification Badge with Rifle Bar (M-16).

d. The available service record does not include orders for the applicant's request, nor recommendations or reasons against recommendation from the Commander.

e. He was released from active duty on 31 May 1973. His DD Form 214 shows he completed 2 years of active service. Block 25 (Education and Training Completed) shows the applicant completed the Light Weapons Infantryman Course. It also shows he was awarded or authorized:

- National Defense Service Medal
- Armed Forces Expeditionary Medal (Korea)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)

4. By regulation (AR 600-8-22):

a. 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.

b. The Expert Infantryman Badge requires that an individual must have satisfactorily completed the prescribed proficiency tests while assigned or attached to an infantry unit of at least battalion size. To be eligible for testing and award of the Expert Infantryman Badge, a Soldier must be in an active Army status and must have an infantry or special forces specialty.

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.
2. The Board carefully considered the applicant's request, his record of service, the orders in his records, the conduct and efficiency ratings on his DA Form 20 and the reason and character of service upon separation. The Board found insufficient evidence to determine the applicant had satisfactorily completed the requirements for award of the Expert Infantryman Badge. The Board found his ratings were all excellent and there was no record of a Commander's disqualification for the Army Good Conduct Medal. Based on a preponderance of evidence, the Board determined that partial relief was warranted, and that the applicant's record should be corrected to reflect award of the AGCM for his period of his service

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 partial 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 period of service 1 Jun 71 to 21 May 73;
- adding to his DD Form 214, for the period ending 31 May 73, the AGCM

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 award of the EIB and any additional amendments of his DD Form 214 in excess of the above.

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 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 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.

b. The Expert Infantryman Badge requires that an individual must have satisfactorily completed the prescribed proficiency tests while assigned or attached to an infantry unit of at least battalion size. To be eligible for testing and award of the Expert Infantryman Badge, a Soldier must be in an active Army status and must have an infantry or special forces specialty.

//NOTHING FOLLOWS//