

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 October 2024

DOCKET NUMBER: AR20240004129

APPLICANT REQUESTS: award of the Army Good Conduct Medal (AGCM)

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DA Form 2496 (Disposition Form)

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 states he recently discovered a DA Form 2496 in his records, stating that he was awarded the Army Good Conduct Medal for his service between 3 February 1966 and 2 February 1969. He indicated, he never received it and would like the award.

3. The applicant provides the above documents, to be referenced in the service record.

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

a. He enlisted in the Regular Army on 3 February 1966.

b. His DA Form 20 (Enlisted Qualification Record) shows he served in Vietnam from 19 June 1967 to 12 June 1968, through three campaigns. He was assigned to the 155th Transportation Company. Block 38 (Record of Assignments) lists only excellent conduct and efficiency ratings outside of unknown periods during permanent change of stations. It also shows he was promoted as listed below with no record of reductions:

- 3 February 1966 – private, E-1
- 2 June 1966 – private, E-2
- 20 July 1966 – private first class, E-3
- 15 February 1967 – specialist, E-4

c. A DA Form 2496 dated 13 January 1969 shows the applicant was eligible for award of the Good Conduct Medal for the period of 3 February 1966 to 2 February 1969. The commander did not circle "do/do not," but rather indicated his conduct and efficiency ratings were good. No further action was taken.

d. On 31 January 1969, he was honorably released from active duty. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he completed 2 years, 11 months, and 28 days of active service with no lost time. It also shows he was awarded or authorized:

- Expert Marksmanship Qualification Badge with Rifle Bar
- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Overseas Service Bar (1)

5. A review of the applicant's record confirms he is eligible for awards and campaign credits 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.

6. 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

- he completed 2 years, 11 months, and 28 days
- he received all excellent conduct and efficiency ratings throughout his military service
- there is no record of a court-martial conviction

7. By regulation (AR 635-5), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

8. Department of the Army General Orders (DAGO) Number 39, dated 1970, awarded the Meritorious Unit Commendation to 155th Transportation Company, for service in Vietnam for the period of 7 March 1967 to 30 June 1968.

9. Department of the Army General Orders (DAGO) 8, 1974, announced award of the RVN Gallantry Cross Unit Citation with Palm for service in Vietnam to following units:

- Headquarters, United States Military Assistance Command and its subordinate units during the period 8 February 1962 to 28 March 1973.
- Headquarters, United States Army Vietnam and its subordinate units during the period 20 July 1965 to 28 March 1973.

BOARD DISCUSSION:

1. 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 Board noted that the applicant served continuously on active duty from 3 February 1966 to 31 January 1969, completing 2 years, 11 months, and 28 days of active service. He received excellent conduct and efficiency ratings, except for an unknown rating from 27 June to 12 July 1966 while being reassigned from one Company to another. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. The Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

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:

In addition to the correction addressed in Administrative Note(s) below, the Board determined the evidence presented is sufficient to warrant a recommendation for partial 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 (1st Award) for service during the period 3 February 1966 to 31 January 1969
- adding award of the Army Good Conduct (1st Award) to his DD Form 214

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):

A review of the applicant's service records show he is authorized additional campaign credits and awards not annotated on his DD Form 214. As a result, amend his DD Form 214 for the service period ending 31 January 1969 to show:

- three bronze service stars with his previously awarded Vietnam Service Medal
- Meritorious Unit Commendation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

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 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.
3. Army Regulation 635-5 (Separation Documents – Personnel Separations) states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.
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. Department of the Army General Orders (DAGO) Number 39, dated 1970, awarded the Meritorious Unit Commendation to 155th Transportation Company, for service in Vietnam for the period of 7 March 1967 to 30 June 1968.

//NOTHING FOLLOWS//