

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240004374

APPLICANT REQUESTS: award of the Army Good Conduct Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)

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 is requesting award of the AGCM. To his knowledge, he should have been awarded the medal because he served in excess of three years. He did not receive disciplinary action in the form of reprimands, Article 15's, or court-martials. He believes he met the criteria. Unless there is something in his file that he is unaware of, he requests award of the AGCM.
3. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 5 December 1969 for 4 years. He completed training with award of the military occupational specialty 71B (Clerk/Typist). The highest grade he held was E-5.
 - b. He served in Vietnam from 5 July 1971 to 15 March 1972 during two campaign periods: Consolidation I 1 July 1970-30 November 1971 and Consolidation II 1 December 1971-29 March 1972
 - c. The applicant's record contains no derogatory entries, disciplinary actions, nonjudicial punishments, or court-martials that would suggest he was considered not eligible for award of the AGCM.

d. His DA Form 20 (Enlisted Qualification Record) indicates he received all excellent conduct and efficiency ratings, except for a good rating for the period 11 March 1970 to 6 May 1970.

e. He was honorably released from active duty on 4 December 1973 in the grade of E-5. His DD Form 214 shows he completed 4 years of active service with no lost time. It also shows he was awarded or authorized:

- Army Commendation Medal
- National Defense Service Medal
- Vietnam Service Medal,
- Vietnam Campaign Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar

4. On 26 December 1985, the U.S. Army Reserve Personnel Center notified the applicant his request for the AGCM was denied due to the 1970 “good” rating.

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 Federal military service completed on or after 27 August 1940. 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.

7. Department of the Army General Orders 8 of 1974 awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Army, Vietnam and subordinate units for 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 evidence shows the applicant served on active duty from 5 December 1969 to 4 December 1973, completing 4 years of active service. He received “excellent” conduct and efficiency ratings throughout his military service with the exception of a “good” conduct and efficiency ratings from 11 March 1970 to 6 May 1970, while enroute to . Fort Campbell, KY. The applicant served in Vietnam from 5 July 1971 to 15 March 1972 during two campaigns and he attained the grade of E-5. The applicant's record contains

no derogatory entries, disciplinary actions, nonjudicial punishments, or court-martials. Based on his overall service, the Board determined he meets the criteria for this 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:

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 for service during the period 5 December 1969 through 4 December 1972
- Adding award of the Army Good Conduct Medal (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 credit and an award not annotated on his DD Form 214 for the service period ending 4 December 1973. As a result, amend his DD Form 214 to show:

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

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 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. 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 8 of 1974 awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Army, Vietnam and subordinate units for the period 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//