

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 November 2024

DOCKET NUMBER: AR20240004380

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the:

- Army Good Conduct Medal
- National Defense Service Medal
- Expert Marksmanship (Carbine)

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. A review of the applicant's service record confirms administrative entries and awards were omitted from his DD Form 214. The administrative entries and awards will be added to his DD Form 214 as administrative corrections and will not be considered by the Board. The Board will consider the applicant's request for award of the Army Good Conduct Medal.
2. The applicant states none of his medals were reflected on his DD Form 214.
3. A review of the applicant's service record shows:
 - a. On 27 March 1954, the applicant was inducted into the Army of the United States.
 - b. DA Form 24 (Service Record) shows in:

- Section 1 (Appointments, Promotions, or Reductions) shows the applicant was reduced on to private 2 on 5 November 1956 and 7 August 1958
- Section 4 (Chronological Record of Military Service) shows conduct and efficiency as:
 - Excellent – 3 June 1954 through 17 December 1954, 1 January 1957 through 14 February 1958
 - Excellent conduct between 22 January 1960 through 30 September 1960
 - Good – 10 May 1956 through 24 September 1956, 15 February through 8 Jan 1959, 4 March 1959 through 21 January 1960
 - Good efficiency between 22 January 1960 through 30 September 1960
 - Unknown – 15 February 1959 through 3 Mar 1959
 - Unsatisfactory – 1 October 1960 through 8 December 1960
- Section 6 – (Time Lost Under Sec 6(a) APP 2b MCM 51 and Subsequent to Normal Dates ETS) – Absent Without Leave (AWOL) from 1 August 1957 through 2 August 1957 (2 days)
- Section 9 (Medals, Decorations, and Citations): - National Defense Service Medal, Marksmanship (Carbine), Expert Marksmanship (Carbine)

c. On 7 August 1957, a DA Form 26 (Record of Court Martial Conviction), shows a summary court martial for being AWOL from on or about 1 August 1957 to 3 August 1957.

d. On 20 December 1960, he was discharged from active duty with an under honorable conditions (General) discharge. His DD Form 214 shows he completed 4 years, 10 months, and 15 days of active service. It also shows in item 26 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): None.

4. On 18 July 1961, the Office of the Adjutant General reviewed the applicant's discharge processing and found it proper and equitable.

5. On 17 August 1961, the Army Discharge Review Board (ADRB) reviewed the applicant's discharge processing and found it proper and equitable. The ADRB denied his request for an upgrade of his discharge.

7. By regulation (AR 600-8-22) 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 relief was not 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 on active duty between 4 February 1954 and 20 December 1960, which is not a qualifying period for award of the National Defense Service Medal. Additionally, the applicant was discharged for unsuitability, in which the Board majority determined him ineligible for award of the Army Good Conduct Medal. The Board minority determined he had a period of excellent service and therefore voted to grant relief.
2. Prior to closing the discussion, the Board concurred with the administrative note below.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	█	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	:	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

4/2/2025

X

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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's service records shows administrative entries were omitted and he is authorized additional awards not annotated on his DD Form 214, for the service period ending 20 December 1960. As a result, correct his DD Form 214 by adding the Expert Marksmanship Qualification Badge with Rifle Bar (M1).

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

a. 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

b. Army Regulation 600-8-22 (Military Awards) states the National Defense Service Medal is awarded for honorable active service for any period between 27 July 1950 and 27 July 1954, 1 January 1961 and 14 August 1974, 2 August 1990 and 30 November 1995, and 11 September 2001 and a date to be determined. Second and subsequent awards of the National Defense Service Medal are denoted by a bronze service star affixed to the National Defense Service Medal.

c. Army Regulation 600-8-22 (Military Awards) sets forth requirements for award of basic marksmanship qualification badges. The qualification badge is awarded to indicate the degree – Expert, Sharpshooter, and Marksman -- in which an individual has qualified in a prescribed record course. An appropriate bar is furnished to denote each weapon with which the individual has qualified.

//NOTHING FOLLOWS//