

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 January 2025

DOCKET NUMBER: AR20240006331

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 5 October 1990, to show award of the:

- Expert Marksmanship Qualification Badge with Grenade Bar
- Army Achievement Medal
- National Defense Service Medal

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

- DD Form 149 (Application for Correction of Military Record)
- Permanent Orders Number 87-01, 3rd Signal Brigade, 2 October 1990
- Army Achievement Medal Certificate
- DD Form 214

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 Board will not consider adding the Army Achievement Medal and National Defense Service Medal to the applicant's DD Form 214, as these items will be addressed through an administrative correction.
3. The applicant enlisted in the Regular Army on 27 May 1988. He served in military occupational specialty 31M (Multichannel Communications Systems Operator).
4. On 5 October 1990, he was honorably discharged due to physical disability with severance pay in the rank/grade of specialist four/E-4. The DD Form 214 he was issued shows he completed 2 years, 4 months, and 9 days net active service during this period. The form further shows he was awarded or authorized the:

- Army Service Ribbon
- Army Lapel Button
- Expert Marksmanship Qualification Badge with Rifle Bar

5. His records contain a DA Form 2-1 (Personnel Qualification Record), reviewed on 31 May 1988. Item 9 (Awards, Decorations & Campaigns) notes he was awarded the Expert Marksmanship Qualification Badge with Rifle Bar (M-16). There is no evidence in the applicant's Official Military Personnel File and he provides no evidence to support his claim to the Expert Marksmanship Qualification Badge with Grenade Bar.

6. There is no evidence in the available records that shows he was awarded the Army Good Conduct Medal nor is there evidence of a commander's disqualification for the award. Additionally, there is no evidence of any convictions by courts-martial or receipt of nonjudicial punishment under Article 15, Uniform Code of Military Justice.

7. There is no right or entitlement to the Army Good Conduct Medal until the immediate commander approves the award and the award is announced in permanent orders, however, 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 and standard review based on law, policy and regulations. Upon review of the applicant's petition and available military records the Board determined there was insufficient evidence to grant award of the Expert Marksmanship Qualification Badge with Grenade Bar. This board is not an investigative body. The Board determined despite the absence of the applicant's records showing the award, they agreed the burden of proof rest on the applicant, however, he did not provide any supporting documentation and his service record has insufficient evidence to support the applicant contentions for award of the expert marksmanship badge.

2. However, the Board determined the applicant's service record did not reflect he was awarded the Army Good Conduct Medal (1st award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of 27 May 1988 to 5 October 1990. Based on this the Board granted relief for correction of the applicant's record to show award of the Army Good Conduct Medal.

3. 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:

1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 him the Army Good Conduct Medal (1st Award) for exemplary service from 27 May 1988 to 5 October 1990 and adding the medal to his DD Form 214 for the period ending 5 October 1990.

2. The Board further determined 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 award of the Expert Marksmanship Qualification Badge with Grenade Bar.

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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):

The following information is sufficient to make an administrative correction to the applicant's DD Form 214 for the period ending on 5 October 1990 without action by the Board:

- -Permanent Orders Number 87-01, 2 October 1990; add the Army Achievement Medal.
- -Army Regulation 600-8-22 (Military Awards), paragraph 2-10, 19 January 2024; add the National Defense Service Medal.

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 Army policy, criteria, and administrative instructions concerning individual and unit military awards and states:

a. The Army Achievement Medal is awarded to members of the Armed Forces of the United States, who while serving in a noncombat area on or after 1 August 1981, distinguished themselves by meritorious service or achievement. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. 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.

c. 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. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

d. A Basic Marksmanship Qualification Badge is awarded to indicate the degree in which an individual, military, or civilian has qualified in a prescribed record course, and an appropriate bar is furnished to denote each weapon with which he or she qualified. Each bar will be attached to the basic badge that indicates the qualification last attained with the respective weapon. Basic qualification badges are of three classes: Expert, Sharpshooter, and Marksman. The only weapons for which component bars are authorized are in table 8–3 of Army Regulation 600-8-22. Basic Marksmanship Qualification Badges are awarded to U.S. military and civilian personnel, and to foreign military personnel who qualify as prescribed.

3. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//