

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 April 2025

DOCKET NUMBER: AR20240009839

APPLICANT REQUESTS: in effect,

- NGB Form 22 (Report of Separation and Record of Service) with effective date 15 October 1982, Item 13 (Primary Military Occupational Specialty (MOS) and Title) be corrected from Primary 71L (Admin Specialist) to 95B (Military Police)
- Award of Humanitarian Service Medal (HSM)
- Award of Army Good Conduct Medal (AGCM)

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Report of Separation from Active Duty)
- Enlisted Evaluation Report, August 1975, showing his primary MOS as 95B
- Letter of Appreciation, 3 October 1975, for dedication to duty on 18 August 1975, at which time he assisted in handling crowd control at the Fort Chaffee Benefit Rodeo
- NGB Form 22, 22 January 1979, showing his primary MOS as 67U (CH-47 Helicopter Repairman)
- Honorable Discharge Certificate, 22 January 1979, from the California Army National Guard
- Honorable Discharge Certificate, 28 November 1979, from the U.S. Army
- NGB Form 22, 15 October 1982, showing his primary MOS as 71L
- Honorable Discharge Certificate, 15 October 1982, from the Arizona Army National Guard
- Operation Babylift report Emergency Movement of Vietnamese and Cambodian Orphans for Intercountry Adoption April – June 1975
- Army After Action Report for Operations New Life/New Arrivals U.S. Army Support to the IndoChinese Refugee Program 1 April 1975 – 1 June 1976
- The Role of the U.S. Army Forces Command in Project New Arrivals
- Major Unit Rotations - Fort Chaffee - New Arrivals showing 402d Military Police Company arrived 21 July 1975 and departed 14 October 1975

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. His application to the ABCMR regarding change to his MOS on his NGB Form 22 is premature, as there is no evidence that he first applied to the State Adjutant General (TAG). Army Regulation 15-185 (ABCMR), the regulation under which this Board operates, stipulates that the Board will not consider an application until the applicant has exhausted all available administrative remedies to correct the alleged error or injustice. Therefore, his request for change of MOS on his NGB Form 22 will not be considered by the Board.
3. The applicant states his NGB Form 22 has the wrong primary MOS. He participated in the following operations: Baby Lift, New Arrivals/New Life between April and October 1975. He was assigned to the 402nd Military Police Company and performed missions at the Presidio of San Francisco and Fort Chaffee, AR. The HSM was established and authorized after his Regular Army expiration term of service. He had 4 years, 11 months, and 16 days of honorable service in the Regular Army, the California and Arizona National Guard.
4. A review of the applicant's service record shows:
 - a. He enlisted in the United States Army Reserve on 29 November 1973. He enlisted in the Regular Army on 21 December 1973.
 - b. He received non-judicial punishment on 19 March 1976, for on or about 10 March 1976, without authority, fail to go at the time prescribed to his appointed place of duty.
 - c. He was honorably released from active duty and transferred to U.S. Army Reserve Reinforcements on 6 December 1976.
 - d. His record does not contain orders awarding him the AGCM.
 - e. He enlisted in the California Army National Guard (CAARNG) on 23 January 1978.
 - f. He was honorably released from the CAARNG on 22 January 1979.

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 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. Upon review of the applicant's petition and available military records, the Board determined there was sufficient evidence to correct the applicant's record to reflect award of the HSM.
2. Award of the AGCM. Grant. The Board determined there was sufficient evidence, including his service from 21 December 1973 to 6 December 1976, a period of 2 years, 11 months, and 16 days to award the Army Good Conduct Medal (First Award).
3. The Board did not consider the applicant's request for correction of his Primary MOS 71L (Admin Specialist) to 95B (Military Police). This request is premature and should first be considered by the TAG.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 6 December 1976 by awarding him the:

- Humanitarian Service Medal
- Army Good Conduct Medal (First Award)



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 (AR) 600-8-22 (Military Awards) states the Humanitarian Service Medal is awarded to members who, after 1 April 1975, distinguished themselves by meritorious direct participation in a Department of Defense approved significant military act or operation of a humanitarian nature. A service member must be on active duty at the time of direct participation, must have directly participated in the humanitarian act or operation within the designated geographical area of operation and within specified time limits, and must provide evidence that substantiates direct participation.

3. Table C-1 of Army Regulation 600-8-22 shows New Life/New Arrivals (1 April to 20 December 1975 in the geographical areas of Guam; Fort Chafee, AR; and Fort Indiantown Gap, PA and Baby Lift (4 April to 9 May 1975 and 29 April to 7 May 1975) in the geographical areas of Vietnam; Presidio of San Francisco, CA; Fort Benning, GA; and Fort Lewis, WA was approved by the Department of Defense as qualifying for award of the Humanitarian Service Medal.

4. AR 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

//NOTHING FOLLOWS//