

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 December 2023

DOCKET NUMBER: AR20230000343

APPLICANT REQUESTS: award of two Purple Hearts.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Letter to Army Review Boards Agency Case Management Division, 31 December 2022
- Enclosures –
  - 1 – DD Form 149
  - 2 – Graves Registration Service Form 13 (Burial Card)
  - 3 – Removal Project Information (shipment of coffin)
  - 4 – Letter from Captain (Cpt.) [REDACTED], 11 February 1919
  - 5 – 13 Extracts from the Church book of Hørby Parish, Denmark, containing entries from 1861 to 1993, showing applicant's relationship to the deceased service member (SM)
  - 6 – U.S. Version of the SM's History/U.S. Army Service

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 deceased SM's World War I service records are limited. This case is being considered based on documentation provided by the applicant.
3. The applicant, the distant relative of the deceased SM, states the SM was wounded in action on 9 November 1918 by machine gun fire from a German aviator. The SM was subsequently killed in action in a separate incident on 9 November 1918 by a German high-explosive shell which struck the ambulance carrying him and other wounded Soldiers to the hospital for treatment.

4. The War Department Form Number 366 (Pay Roll) shows the SM enlisted in the U.S. Army on 22 July 1918.
5. The SM's burial card shows he was killed in action on 9 November 1918 and buried in an isolated grave in the commune of Laneuville-sur-Meuse (Meuse), France.
6. The Removal Project Information form shows the SM was disinterred on 10 August 2021 for preparation and shipment to Lunden, Hørby, Vendsyssel, Denmark.
7. The letter from Cpt. [REDACTED], 11 February 1919, the SM's commander, states:

The enclosed letter addressed to [SM] has just been received and assuming that he was a relative of yours I am writing to you.

Doubtless that you have heard that [SM] was killed on November 9th under the following circumstances.

Company B was making preparations to build a pontoon bridge across the river Meuse near Sedan and was quite near the German lines. A German aviator flew over our Company and wounded three men, [SM] being one of them. His wound was in the thigh but was not serious. I went immediately to see him and found the hospital corpsmen putting him in the ambulance to take him to the hospital. One of them told me that [SM] had shown great courage while the wound was being dressed. I shook hands with [SM], told him that he was a good Soldier and said goodbye to him.

He smiled and said: "It is nothing, Captain. I will be back with you in two or three days."

The ambulance with 8 other wounded left and had gone about two miles when it was struck by a German high explosive shell. All in the ambulance were wounded and [SM] and one other instantly killed, [SM] being struck in the head.

After the Armistice was signed I visited his grave which is located as shown in the sketch.

His grave is about 30 meters from the road to the right side going from the village of Laneuville to Beauclair and two miles (3K [kilometers]) from Laneuville. It has a small wooden cross on which is nailed a metal disk with his name and number on it.

I would like to get an answer to this letter to know that you have received it, also would be glad to give any information regarding the service and death of our good and brave soldier [SM] I have.

8. The applicant provided an extract from Cpt. [REDACTED] U.S. Army Experience Report as written on 15 December 1918, which states:

Although he was only slightly wounded in the thigh, Cpt. [REDACTED] ordered [SM] back for treatment at the nearest field hospital and he boarded an ambulance together with 8 other soldiers. Before he left, Cpt. [REDACTED] shook hands with [SM], who claimed that his wound was not that bad and that he would be back with Company B within the next couple of days.

Ironically, the ambulance that would have taken him out of the battle zone and, with the Armistice just around the corner, also World War I, was just a few minutes later, some two miles south of Forêt de Jaulnay near the village of Laneuville-sur-Meuse (Meuse), struck directly by a German high explosive shell killing [SM] and almost everyone else on board. [SM] was instantly killed, being struck in the head by shrapnel. Only two of the soldiers in the ambulance survived, eventually. [SM] was buried the same day not far from the place he was killed.

As history tells, 9th November 1918 was the third last day of the First World War, as the Armistice came into force on 11th November 1918. However, the news that [SM] has been killed in action did regrettably not reach his family in Denmark until well into 1919.

The reason why this is known is due to the fact that [SM's] sister, [REDACTED], writes to him in France and that this letter is received by Cpt. [REDACTED] in early February 1919. Cpt. [REDACTED] writes a letter to [REDACTED] on 11th February 1919 in which he describes the activities of Company B on 9th November 1918 and the circumstance leading to [SM] being wounded and killed, eventually. Cpt. [REDACTED] also describes in great detail where [SM] initially had been buried, which was next to the road between Laneuville-sur-Meuse (Meuse) and Beauclair (Meuse).

[SM's] burial card indicates that his body had not been found after the shelling of the ambulance. However, based on the letter from Cpt. [REDACTED] to [SM's] sister, [REDACTED], it must be assumed, albeit not confirmed, that [SM's] body was recovered, identified and buried. [SM] was as mentioned first buried near Laneuville-sur-Meuse (Meuse) in France and his grave was marked with a small wooden cross on which a metal disk with his name and number was nailed. However, the cemetery at Laneuville-sur-Meuse (Meuse) was not going to be [SM's] final resting place.

On 11th March 1919, his coffin was moved to the Sedan American Cemetery at Létanne (Ardennes), being a part of the consolidation of the Allied cemeteries for those soldiers who had fallen during World War I.

But on request of his family in Denmark, [SM's] coffin was to be moved one more time. The U.S. Public Laws 389 (66th Congress) and 368 (80th Congress) provided for that a fallen soldier could be buried in his homeland. Despite having become an American citizen in 1918, in the fall of 1921 [SM] was taken back to Hørby, Northern Jutland, Denmark in an iron coffin.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the SM's military records, the Board found relief is warranted.
2. The Board found the SM was wounded as a result of hostile action and in a separate incident on the same day was killed by hostile action. The Board determined the circumstances of the SM's wounding and subsequent death meet the criteria for the Purple Heart (2nd Award). The Board determined the SM's record should be corrected to show these awards.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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 him the Purple Heart and the Purple Heart (2nd Award) for wounds received as a result of hostile action on 9 November 1918.

2/15/2024

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.

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. While clearly an individual decoration, the Purple Heart differs from all other decorations in that an individual is not "recommended" for the decoration; rather, he or she is entitled to it upon meeting specific criteria. The Purple Heart is awarded in the name of the President of the United States to any member of an Armed Force of the United States under the jurisdiction of the Secretary of the Army who, after 5 April 1917, has been wounded, killed, or who has died or may hereafter die of wounds received under any of the following circumstances:

- in any action against an enemy of the United States
- in any action with an opposing armed force of a foreign country in which the Armed Forces of the United States are or have been engaged
- while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party
- as a result of an act of any such enemy of opposing armed forces
- as the result of an act of any hostile foreign force

a. To qualify for award of the Purple Heart, the wound must have been of such severity that it required treatment, not merely examination, by a medical officer. A wound is defined as an injury to any part of the body from an outside force or agent. A physical lesion is not required.

(1) Treatment of the wound will be documented in the member's medical and/or health record.

(2) Award may be made for a wound treated by a medical professional other than a medical officer provided a medical officer includes a statement in the member's medical record that the severity of the wound was such that it would have required treatment by a medical officer if one had been available to provide treatment.

b. A Purple Heart is authorized for the first wound suffered under conditions indicated above; for each subsequent award an oak leaf cluster will be awarded to be worn on the medal or ribbon. No more than one award will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent.

c. When contemplating eligibility for the Purple Heart, the two critical factors commanders must consider is the degree to which the enemy or hostile force caused the wound and was the wound so severe that it required treatment by a medical officer.

//NOTHING FOLLOWS//