

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 8 December 2023

DOCKET NUMBER: AR20230002927

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) ending on 6 June 1969 to show he was awarded the three Purple Hearts and four Bronze Star Medals, one with the "V" Device.

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States Code (USC), 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 his three Purple Hearts and his four BSMs, one of them with a "V" Device, be added to his service record. He was injured while fighting in Vietnam in the May Kon Delta. He was also shot and has mortar wounds. He does not remember the dates of when he was shot or received mortar wounds.
3. A review of the applicant's official record shows:
 - a. On 2 November 1967, the applicant was inducted into the Army of the United States.
 - b. General Order Number 2532, dated 12 April 1969 reflects he was awarded one Purple Heart.
 - c. General Orders Number 3073, dated 29 April 1969 show he was awarded the Army Commendation Medal.
 - d. DA Form 20 (Enlisted Qualification Record) reflects the following:
 - Item 31 (Oversea Command): 19 May 1968 through 5 June 1969 – U.S. Army Pacific, Vietnam (USARPAC)
 - Item 38 (Record of Assignments): 23 May 1968 to 31 May 1968, he was assigned to the 23rd AGA Admin Company, Replenishment Detachment, USARPAC, 1 June 1968 to 2 June 1969, he was assigned to Company C, 3rd Battalion, 21st Infantry, 196th Infantry Brigade, USARPAC

- Item 40 (Wounds): None
- Item 41 (Awards and Decorations):
 - National Defense Service Medal
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Parachute Badge
 - Vietnam Service Medal
 - Combat Infantryman Badge
 - Two Overseas Service Bars
 - Vietnam Campaign Medal
 - Purple Heart with GO Number 2532, dated 12 April 1969
 - Army Commendation Medal
 - Purple Heart, dated 14 May 1969 (no order number listed)

e. His record does not reflect nor does the applicant provide any orders for any BSM's, or any more than one PH.

f. DD Form 214, ending on 6 June 1969, shows he was honorably released from active duty. He completed 1 year, 7 months, and 5 days of net service this period, with 1 year and 15 days of foreign service in USARPAC. This document does not show he was awarded the PH or BSM.

g. The Vietnam Casualty Roster reflects the applicant's name only once.

h. A review of the Awards and Decorations Computer Assisted Retrieval System maintained by the U.S. Army Human Resources Command, which is an index of general orders issued during the Vietnam era between 1965 and 1973, failed to reveal any additional orders for multiple Purple Hearts.

i. The applicant is entitled to additional awards not listed on his DD Form 214 which will be administratively corrected.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that a portion of relief was warranted. The Board carefully considered the applicant's request, supporting documents, evidence in the records, applicable regulatory guidance. The Board considered the applicant's period of service and awards for which he maybe eligible to receive. The Board found that as he received "excellent" conduct and efficiency ratings throughout his service and, in the absence of evidence that would otherwise make him ineligible, his record should be correction show the award of the Army Good Conduct Medal.

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:

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for a portion of the requested relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the applicant’s DD214 for the period ending 6 June 1969 showing in:

a. block 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) the following:

- Purple Heart
- Army Commendation Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Vietnam Service Medal with four bronze service stars
- Army Good Conduct Medal Award

b. Adding to item 30 (Remarks): “Service in Vietnam from 19 May 1968 through 5 June 1969”

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 following:

- Purple Heart (2nd and 3rd 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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's records shows he is authorized an additional awards not listed on his DD Form 214 for the period ending 6 June 1969. As a result, amend his DD Form 214 by

a. Adding to item 24 (Awards) the following awards:

- Purple Heart
- Army Commendation Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Vietnam Service Medal with four bronze service stars

b. Adding to item 30 (Remarks): "Service in Vietnam from 19 May 1968 through 5 June 1969"

REFERENCES:

1. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within three 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 three-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.

a. The Purple Heart is awarded for a wound sustained while in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify that the wound was the result of hostile action, the wound must have required treatment by medical personnel, and the medical treatment must have been made a matter of official record.

b. A wound is defined as an injury to any part of the body from an outside force or agent sustained under one or more of the conditions listed above. A physical lesion is not required. However, the wound for which the award is made must have required treatment, not merely examination, by a medical officer. Additionally, treatment of the wound will be documented in the Service member's medical and/or health record. Award of the Purple Heart may be made for wounds treated by a medical professional other than a medical officer, provided a medical officer includes a statement in the Service member's medical record that the extent of the wounds was such that they would have required treatment by a medical officer if one had been available to treat them.

c. When contemplating an award of the Purple Heart, the key issue that commanders must take into consideration is the degree to which the enemy caused the injury. The fact that the proposed recipient was participating in direct or indirect combat operations is a necessary

prerequisite, but is not the sole justification for award. A bronze service star is added to the PH for every additional award.

d. Chapter 3-16 (BSM) states the BSM is awarded to any person who, while serving in any capacity in or with the Armed Forces of the United States, or a friendly foreign nation, after 6 December 1941, distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. A bronze service star is added to the BSM for every additional award.

3. Army Regulation 635-5 (Separation Documents) in effect at the time, states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation. Personnel officers will prepare and authenticate DD Form 214WS (Worksheet) prior to forwarding records to the transfer facility. All available records will be used as a basis for the preparation of DD Form 214WS, including DA Form 20 (Enlisted Qualification Record) and orders.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows his unit of assignment during his service in Vietnam was cited by Department of the Army General Order (DAGO) Number 8, dated 1974, awarded the RVN Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//