

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 January 2025

DOCKET NUMBER: AR20230003926

APPLICANT REQUESTS: award of the Purple Heart for her deceased father, a former service member (FSM).

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- State [REDACTED] Certificate of Death
- WD AGO Form 53-55 (Enlisted Record and Report of Separation)
- Veterans Affairs (VA) Summary of Benefits

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 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, the FSM was awarded the Purple Heart Medal for the loss of his leg during World War II (WWII), but it was not included on his report of separation.

3. The applicant provides:

a. State [REDACTED] Certificate of Death which reflects the FSM's date of death [REDACTED].

b. WD AGO Form 53-55 (Enlisted Record and Report of Separation)

c. Veterans Affairs (VA) Summary of Benefits, dated 12 April 2010, indicates the FSM was awarded 50 percent service connected disability for loss of or loss of use of a limb.

4. The FSM's military records are not available to the Board for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. It is believed his records were lost or destroyed in that fire.

However, there were sufficient documents remaining in a reconstructed record to conduct a fair and impartial review of this case. This case is being considered using reconstructed records, which primarily consist of a WD AGO Form 53-55.

a. The FSM was inducted into the Army of the United States and entered active duty on 2 October 1943. At the time of his separation, he:

- held military occupational specialty 745 (Rifleman)
- was assigned to Company A, 7th Armored Infantry Battalion

b. He departed Continental United States (CONUS) on 7 November 1944 and arrived in the European Theater on 19 November 1944. He departed the European Theater on 4 March 1945 and returned to CONUS on 21 March 1945.

c. He was honorably separated on 21 August 1945. His WD AGO Form 53-55 shows he completed 1 year, 5 months, and 15 days of CONUS service and 4 months and 20 days of foreign service. It also shows in:

(1) Item 31 (Military Qualification and date (i.e., infantry, aviation, and marksmanship badges), Rifle Marksman.

(2) Item 32 (battles and campaigns), he participated in the Rhineland campaign.

(3) Item 33 (Decorations and Citations) and item 55 (Remarks), he was awarded or authorized the European-African-Middle Eastern Theatre Medal with One Campaign Star.

(4) Item 34 (Wounds Received in Action), 26 January 1945.

d. U.S. Army SGO Hospitalization File Listing 1945, page 036, contains the FSM's service number, along with various coded data.

e. Information from the Hospital Admission Cards created – 1 April 2023 by the Office of the Surgeon General, reflects the following regarding the FSM:

- Type of Case: battle casualty
- First Diagnosis: amputated, traumatic
- Causative Agent: Land Mine, while afoot
- Type of Disposition: Discharged or Retired or Disability, Line of Duty, Yes

f. Final Payment Roll of Detachment of Patients Walter Reed General Hospital, dated 21 August 1945, reflects the FSM was discharged on 21 August 1945.

5. By regulation, the criteria for award of the Purple Heart require it to be awarded to Soldiers for wounds or injuries received as a result of enemy action. The wounds must have required treatment by medical personnel and made a matter of official record. Official documentation reflecting medical treatment for the wounds or injuries must be provided.

BOARD DISCUSSION:

1. The Board carefully considered the applicant's contentions, his military records, and applicable regulatory guidance on the award of the Purple Heart. In accordance with applicable guidance, there must be substantiating evidence to verify that a Service Member was injured, 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. The applicant served during WWII. Documentation available for review shows that he was a battle casualty and as a result incurred an amputation. After due consideration of the applicant's request, the Board determined the evidence presented sufficient to warrant a recommendation for relief.
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:

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 a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by issuing him a DD Form 215 showing in:

- Item 32 (Battles and Campaigns):
 - Central Europe
 - Ardennes-Alsace
- Item 33 (Decorations and Citations):
 - Purple Heart
 - World War II Victory Medal
 - Meritorious Unit Commendation

2/26/2024

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.

ADMINISTRATIVE NOTE(S):

A review of his service records shows he is authorized additional awards not listed on his DD Form WD AGO Form 53-55. His WD AGO Form 53-55 should be amended to add:

- Item 32 (Battles and Campaigns): (add) Central Europe, Ardennes-Alsace
- Item 33 (Decorations and Citations): (add) World War II Victory Medal
(add) Meritorious Unit Commendation

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 Army Board for Correction of Military Records (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 (AR) 600-8-22 (Military Awards) provides that the Purple Heart is awarded for a wound sustained in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify 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. Examples of enemy-related injuries include injury caused by enemy bullet, shrapnel, or other projectile created by enemy action; injury caused by enemy placed mine or trap; injury caused by enemy released chemical, biological, or nuclear agent; injury caused by vehicle or aircraft accident resulting from enemy fire; and/or concussion injuries caused as a result of enemy generated explosions.
3. The Purple Heart was established by General George Washington at Newburgh, NY on 7 August 1782 during the Revolutionary War. It was reestablished by the President of the United States per War Department General Orders Number 3 in 1932. It was awarded in the name of the President of the United States to any member of the Armed Forces or any civilian national of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after 5 April 1917, died or sustained wounds as a result of hostile action. Effective 19 May 1998, award of the Purple Heart is limited to members of the Armed Forces of the United States.

//NOTHING FOLLOWS//