

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 November 2023

DOCKET NUMBER: AR20230004663

APPLICANT REQUESTS: correction of his service record to show the following:

- Award of the Purple Heart
- Foreign Service Credit for Cambodia
- A personal appearance before the Board via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record)
- Personal Letter

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. 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, in pertinent part,

a. Purple Heart:

(1) On 12 September 1969, he was in the field on a mission to secure an area as it was beginning to get dark. Their location was out in the open with a surrounding tree line in the distance. While setting up the perimeter with explosives, they began taking fire from enemy forces. He was able to dive behind a nearby cement post, retrieved his weapon and began to return fire. He was shot at and was hit directly below his left eye, causing significant bleeding, with fragments entering his head and hair. He continued fighting until the firing stopped. At that point he realized he needed medical care. The unit medic gave him a temporary patch to stop the bleeding until they could arrive back at camp where he was properly treated for his wound. The injury left him with permanent nerve damage with no real impairment to his vision.

(2) He never thought about requesting the award of the Purple Heart until he met

with an officer from the Veteran's Affairs office. She helped him understand that he could apply for the award due to the circumstances that happened while deployed to Vietnam.

(3) As his health is declining, he wants to ensure his service record is correct so that his family will have a better understanding of his service. He comes from a family of service members, some of which gave their lives in service.

b. Cambodian Service:

(1) On his first tour in Cambodia, sometime in late 1969, he was sent on a covert mission to Cambodia where he was not allowed to tell his family or friends. Reports were leaked that they were there, and it was denied by the President. For the mission, they crossed the Plain of Reeds, just west of Hui Ba Den to enter Cambodia. Not long after arriving, they encountered massive troops comprised of North Vietnamese, Cambodians, and other unknown soldiers. Since the mission was secret, they had no support and were pushed back. The unit took on a lot of casualties including two of his best friends. He recalls having to crawl out, while under fire, to retrieve the wounded Soldiers, something that has stuck with him to this day. With certainty that he was not going to make it out alive, a fleet of gunships arrived and provided enough support to allow him and the unit to retreat from the location.

(2) On his second tour, sometime in early 1970, the unit gathered in Tay Nihn and launched their assault as part of the Parrots Beak Operation. It was a fully announced mission, unlike his first mission, with plenty of resources for support. The unit reengaged with hostile enemy forces and were successful in causing their retreat, allowing for recovery of their supplies. The number of casualties on this mission was far less than the first. Upon completion of the mission, they returned to Tay Nihn.

(3) He is asking to have his service in Cambodia recognized since he had two tours of duty there, with the first being highly dangerous, even though they were omitted from his record. To this day he is haunted by the experience and wants to ensure his record reflects the accurate information.

3. A review of the applicant's available service record reflects the following:

a. On 27 February 1969, he was inducted into the Army of the United States to serve in military occupational specialty 11b (Light Weapons Infantryman).

b. His DA Form 20 (Enlisted Qualification Record) shows in:

(1) Item 31 (Foreign Service) – service in Vietnam from 31 July 1969 to 29 September 1970.

(2) Item 38 (Record of Assignments) –

- C Company, 2nd Battalion, 60th Infantry Regiment, Headquarters, 9th Infantry Division, Vietnam, effective 14 August 1969
- C Company, 2nd Battalion, 60th Infantry Regiment, 3rd Brigade, 9th Infantry Division, Vietnam, effective 26 December 1969

(3) Item 40 (Wounds) – no entry

(4) Item 41 (Awards and Decorations) –

- National Defense Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Vietnam Service Medal
- Combat Infantryman Badge
- Vietnam Campaign Medal w/60 Device
- Air Medal
- Army Commendation Medal (First Oak Leaf Cluster)
- Bronze Star Medal

c. On 2 July 1970, Headquarters, II Field Force Vietnam, issued General Orders Number 2803 awarding him the Army Commendation Medal for meritorious service while stationed in Vietnam in connection with military operations against a hostile force.

d. DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending 30 September 1970 reflects an honorable release from active duty and transfer to the U.S. Army Reserve Control Group (Annual Training) with service from 27 February 1969 to 30 September 1970 for a net active service of 1 year, 7 months, and 4 days.

(1) Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows the following:

- National Defense Service Medal
- Combat Infantryman Badge
- Army Commendation Medal (Frist Oak Leaf Cluster)
- Vietnam Service Medal
- Air Medal
- Vietnam Campaign Medal
- Bronze Star Medal

(2) Item 30 (remarks) shows Republic of Vietnam from 31 July 1969 to

29 September 1970

e. His record is void of orders awarding him the Purple Heart or evidence of service in Cambodia.

f. His name is not listed on the Vietnam Casualty Roster. 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 orders for the Purple Heart pertaining to him

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.
2. The Board found no evidence in the applicant’s service records corroborating his statement regarding service in Cambodia. Without additional evidence confirming this service, the Board determined there is an insufficient basis for adding this service to his record.
3. Other than the applicant’s own statement, the Board found no evidence indicating the applicant was wounded during his period of military service. In the absence of evidence confirming he was wounded as a result of hostile action to a degree that required treatment by a medical officer, the Board determined there is no basis for awarding the Purple Heart at this time.
4. The Board concurred with the corrections described in Administrative Note(s) below.

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:

Other than the corrections addressed in Administrative Note(s) below, the Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are otherwise insufficient as a basis for correction of the records of the individual concerned.

2/16/2024

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):

The applicant is authorized decorations that were not recorded on his DD Form 214. Correct the DD Form 214 by adding the following:

- four bronze service stars with the Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

REFERENCES:

1. Title 10, USC, 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), Paragraph 2-8 states 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.

3. AR 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. All available records will be used as a basis for preparation of DD Form 214, including DA Form 20, and orders. Item 22c (Foreign and/or Sea Service) enter total active duty outside continental limits of the United States for the period covered by the DD Form 214 and last oversea theater in which service was performed. Item 24; enter from DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized.

4. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//