

IN THE CASE OF: ██████████

BOARD DATE: 14 December 2023

DOCKET NUMBER: AR20230005182

APPLICANT REQUESTS: in effect, correction of his DD Form 214, Armed Forces of the United States Report of Transfer or Discharge to show the Purple Heart (2nd Award).

APPLICANT'S SUPPORTING DOCUMENT CONSIDERED BY THE BOARD:

- DD Form 149, Application for Correction of Military Record
- General Orders Number 3252, 14 August 1967
- DD Form 214, 6 September 1968

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 applicant states, in effect, he sustained combat injuries on two different occasions during his tour of duty in the Republic of Vietnam (RVN). The two Purple Hearts he earned are not listed on his DD Form 214.
3. The applicant's record contains official orders awarding him the Purple Heart (1st Award) [General Order Number 3252, 14 August 1967, 25th Infantry Division] and his foreign service authorizes him additional awards. These awards will be addressed through an administrative correction without action by the Board.
4. The applicant was inducted in the Army of the United States on 22 October 1966. He was awarded military occupational specialty 11B, light weapons infantryman.
5. His DA Form 20, Enlisted Qualification Record, shows he received all excellent conduct and efficiency ratings and:
 - a. he completed foreign service in the RVN from 6 April 1967 to 13 January 1968. During this period, he was assigned to the following units in Vietnam:

- Company C, 2nd Battalion, 27th Infantry from 16 April 1967 to 21 December 1967, as a munitions bearer
 - Military Hospital Detachment from 22 December 1967 to 4 January 1968 as a patient
- b. He served in Korea from 13 January 1968 to 22 May 1968.
- c. Item 40, Wounds, of his DA Form 20 shows the applicant sustained combat injuries on –
- 15 May 1967, fragment wound to right anterior chest wall and right thigh
 - 15 November 1967, fragment wound to left upper arm and left knee
6. His record contains a DA Form 8-274, Medical Condition-Physical Profile Record, dated 13 February 1968, which shows the applicant's wounds to his left forearm and left knee resulted in temporary assignment limitations and restrictions.
7. The applicant's name is listed on the Vietnam casualty roster for wounds sustained on 15 May 1967 and 15 November 1967.
8. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders awarding him a second Purple Heart.
9. On 13 January 1968, he was reassigned to Korea where he served with the 75th Transportation Company until 12 April 1968 as a supply man.
10. On 6 September 1968, the applicant was honorably discharged. His DD Form 214 lists the following awards:
- National Defense Service Medal
 - Vietnam Service Medal with bronze service star
 - RVN Campaign Medal with Device (1960)
 - Combat Infantryman Badge (1st Award)
 - Marksman Marksmanship Qualification Badge with M14 Rifle Bar
 - 1st Class Gunner Qualification Badge with M60 Machine Gun Bar
 - Marksman Marksmanship Qualification Bar with M16 Rifle Bar
11. The applicant received excellent conduct and efficiency ratings, and he was honorably discharged. His record is void of evidence such as a conviction by a court-martial, a commander's notification of disqualification, or any other documentation or

evidence that would qualify him for award of the Army Good Conduct Medal (1st Award).

12. Regulatory guidance states the Purple Heart is awarded to members wounded in action. In order to award the Purple Heart, there must be evidence that the wound for which the award is being made was received as a result of enemy action, the wound required treatment by military medical personnel, and a record of the medical treatment was made a matter of official record.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.
2. The Board found the evidence confirms the applicant was wounded twice as a result of hostile action and determined he is therefore entitled to the Purple Heart (2nd Award).
3. The Board found the applicant met the criteria for the Army Good Conduct Medal (1st Award). The Board determined he should be awarded this medal and it should be added to his DD Form 214.
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>	
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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 (2nd Award) for wounds incurred as a result of hostile action on 15 November 1967
- Awarding him the Army Good Conduct Medal (1st Award) for his service from 21 October 1966 through 6 September 1968
- Adding the Purple Heart (2nd Award) and Army Good Conduct Medal (1st Award) to his DD Form 214
- Making the corrections described in Administrative Note(s) below

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.

ADMINISTRATIVE NOTE(S):

The applicant is authorized additional awards. Correct his DD Form 214 by adding the following:

- two bronze service stars with the Vietnam Service Medal
- RVN Gallantry Cross with Palm Unit Citation
- RVN Civil Actions Honor Medal First Class Unit Citation
- Korea Defense Service Medal
- Armed Forces Expeditionary Medal

REFERENCES:

1. Title 10, United States 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:

a. The Purple Heart is awarded to members of the Armed Forces of the United States who, while serving under the authority with any of the U.S. Armed Services, have been wounded, were killed, or who have died or may hereafter die of wounds received as a result of hostile enemy action. The wound, injury, or death must have been the result of hostile enemy action, the wound or injury must have required treatment, not merely examination, by a medical officer or a medical professional, provided a medical officer include a statement in the Servicemember's medical record that wounds would have required treatment by a medical officer if one had been available. Additionally, treatment of the wound will be documented in the Servicemember's medical and/or health record.

b. The Vietnam Service Medal is awarded to all members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. A bronze service star will be awarded for wear on the Vietnam Service Medal for participation in each credited campaign. A silver service star is authorized in lieu of five bronze service stars. The applicant participated in the following 2 campaigns:

- Vietnam Counteroffensive, Phase II 1 July 1966 – 31 May 1967
- Vietnam Counteroffensive, Phase III, 1 June 1967 – 29 January 1968

c. The Korea Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense. Special provisions. Servicemembers qualified for the Armed Forces Expeditionary Medal by reasons of service between 1 October 1966 and 30 June 1974, in an area for which the Korea Defense Service Medal was authorized subsequently, are eligible for both the Armed Forces Expeditionary Medal and the Korea Defense Service Medal. Award of the Korea Defense Service Medal for this time period is a one-time exception to policy to comply with section 543, National Defense Authorization Act, 2003, PL 107–314.

3. Department of the Army Pamphlet 672-3, Unit Citation and Campaign Participation Credit Register, lists the awards received by units serving in Vietnam. This pamphlet shows the 2nd Battalion, 27th Infantry was cited for award of the:

a. Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period January 1966 to August 1968 by Department of the Army General Order Number 48, 1971.

b. Republic of Vietnam Civil Actions Unit Citation, First Class for the period

1 January 1966 to 21 January 1970.

4. AR 672-5-1 (Awards), in effect at the time, stated the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service 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; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all "excellent" conduct and efficiency ratings. Ratings of "Unknown" for portions of the period under consideration were not disqualifying. Service school efficiency ratings based upon academic proficiency of at least "Good" rendered subsequent to 22 November 1955 were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in General Orders.

5. AR 15-185, ABCMR, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//