

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 December 2023

DOCKET NUMBER: AR20230005480

APPLICANT REQUESTS: reconsideration of his previous request to correct his DD Form 214 (Armed Forces of The United States Report of Transfer of Discharge) to add the Purple Heart.

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

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20120019470 on 7 May 2013.
2. The applicant provides a new argument not previously considered by the Board.
3. The applicant states, his Purple Heart was not acknowledged on his DD Form 214. He was assigned to a combat unit, and he was wounded on 8 November 1967. His medical records show he was hospitalized until his discharge.
4. The applicant's DD Form 214 is missing additional awards and entries, which will be addressed through an administrative correction without action by the Board.
5. The applicant enlisted in the regular Army on 5 January 1965.
6. His DA Form 20 (Enlisted Qualification Record) shows he received all excellent conduct and efficiency ratings during the period of his military service, and it contains the following information and/or entries:
  - a. Block 31 (Foreign Service) shows -
    - (1) He served in Korea from 19 May 1965 to 16 May 1965.

(2) He served in Vietnam from 19 December 1966 to 20 November 1967.

b. Block 38 (Record of Assignments) shows:

(1) He was Company B, 3rd Battalion, 21st Infantry Regiment, 196th Infantry Brigade, Vietnam from 20 December 1966 to 21 November 1967.

(2) He was assigned to the "MDH" 7th Field Hospital, United States Army Pacific Command (USARPAC), in a patient status from 22 November 1967 to 30 November 1967.

(3) He was assigned to the Womack hospital at Fort Bragg, NC in a patient status from 1 December 1967 until his discharge.

c. Block 40 (Wounds) does not contain an entry.

d. Block 41 (Awards and Decorations) shows he was awarded or authorized the:

- Special Orders (SO) 38, Headquarters 196th Infantry Brigade, Vietnam, on 8 February 1967, awarded the Combat Infantryman Badge
- SO [13 or B], Headquarters, 8th Training Battalion, 3rd Training Regiment, Fort Gordon, GA, awarded the Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16) and the Sharpshooter Marksmanship Qualification Badge with Machine Gun Bar (M-60)
- SO 37, 1ST Training Brigade, Fort Jackson, SC, awarded the Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal with Device (1960)

7. The applicant's record includes -

a. a Radiographic Report dated 8 November 1967, shows a surgical hospital diagnosed the applicant with a gunshot wound to the right thigh. An x-ray examination was ordered to examine his chest, pelvis, and right thigh. They discovered fragments in his thigh.

b. orders showing, he would be moved from the hospital in USARPAC to a hospital at Fort Bragg, without his records and he was due for separation.

8. A report of medical history and a report of medical examination, dated 8 January 1968 show he sustained a gunshot wound to his right buttock and thigh on 8 November 1967, as documented by the 2nd Surgical hospital in Vietnam.

9. The applicant was honorably released from active duty on 25 January 1968, after completing 3 years and 21 days of net active service, of which, 1 year, 10 months, and 29 days was credited as foreign service in USARPAC. His DD Form 214 contains the following entries and/or information:

a. Block 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) lists -

- Combat Infantryman Badge
- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)

b. Block 30 (Remarks) does not include an entry showing whether he was assigned to Vietnam, Korea, or both.

10. The applicant served honorably for 3 years and 21 days. He received all excellent conduct and efficiency ratings, and there is not record of a court-martial conviction, a commander's notification of disqualification, or any other documentation that would preclude him from the first award of the Army Good Conduct Medal.

11. The applicant's request for correction of his DD Form 214 to add the Purple Heart was previously considered and denied by the ABCMR in ABCMR Docket Number AR20120019470, on 7 May 2013. As noted in the previous Record of Proceedings:

a. His name does not appear on the Vietnam casualty roster.

b. 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 Awards and Decorations Branch of the U.S. Army Human Resources Command, failed to reveal orders awarding the Purple Heart to him.

12. 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 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.

**BOARD DISCUSSION:**

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was warranted. 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. Based on the documentation available for review showing the applicant was wounded on 8 November 1967 in the Republic of Vietnam and subsequently hospitalized, the Board agreed that regulatory guidance on the award of the Purple Heart had been met and determined a recommendation for relief was warranted.
2. Upon further review, the Board found sufficient evidence to grant an award not otherwise requested. As the applicant's record reflects all "excellent" with the exception of one "good," in accordance with applicable regulatory guidance, the applicant is eligible for the Army Good Conduct Medal and a correction to his record is warranted.
3. Prior to the 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.



ADMINISTRATIVE NOTE(S): make the following administrative corrections to the applicant's DD Form 214 without action by the Board:

- a. Block 24 - delete the Vietnam Service Medal and add the -
  - Vietnam Service Medal with 2 bronze service stars
  - Korea Defense Service Medal
  - Armed Forces Expeditionary Medal
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation
  - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
  - Sharpshooter Marksmanship Qualification Badge with Machine Gun Bar (M-60)
  - Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
  
- b. Block 30 - add the entry, "Vietnam-19 May 66 through 20 November 67, Indochina-yes, Korea-yes."

REFERENCES:

1. Army Regulation 600-8-22 (Military Awards) 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.
  
2. Army Regulation 600-8-22 (Military Awards) states 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 KDSM 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. Army Regulation 600-8-22 (Military Awards) states a bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign. A silver service star is authorized in lieu of five bronze service stars. The applicant participated in the below two campaigns:
  - Vietnamese Counteroffensive Phase, 1 July 1966 - 31 May 1967

- Vietnamese Counteroffensive Phase III, 1 June 1967 - 29 January 1968

4. Army Regulation 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. 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. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows Department of the Army General Orders (DAGO) 8, 1974, announced award of the Republic of Vietnam Gallantry Cross Unit Citation with Palm for service in Vietnam to the following units:

a. Headquarters, United States Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973.

b. Headquarters, United States Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

6. Army Regulation 635-5 (Personnel Separation-Separation Documents) in effect at the state, in item 30 (Remarks) indicate Indochina and Korea service on or after 5 August 1964 by entering inclusive dates of service for Vietnam and indicating "yes" or "no" for service in Indochina and Korea. Sample entries are as follows:

a. To show service in Vietnam only, "Vietnam-25 Apr 70 through 28 May 71, Indochina-yes, Korea-no."

b To show service in Korea only, "Indochina-no, Vietnam-no, Korea-yes."

//NOTHING FOLLOWS//