

IN THE CASE OF: ██████████

BOARD DATE: 7 December 2023

DOCKET NUMBER: AR20230005689

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

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Certificates for the Purple Heart and Air Medal (2nd Award)

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's complete military records are not available. His records were requested from the National Archives and Records Administration, but his records are currently in another agency's possession. However, there are sufficient records available to conduct a fair and impartial adjudication of his case.
3. The applicant states the correction to the awards and decorations on his DD Form 214 may assist him with his application for compensation.
4. The applicant's DD Form 214 shows:
  - a. He enlisted in the Regular Army and entered active duty on 3 January 1968.
  - b. He served in Vietnam from 24 April 1969 to 4 November 1970.
  - c. He was honorably released from active duty and transferred to the U.S. Army Reserve on 5 November 1970.

d. He was awarded or authorized the:

- National Defense Service Medal
- Republic of Vietnam Campaign Medal with device 1960
- Parachutist Badge
- Ranger Tab
- Vietnam Service Medal
- Army Commendation Medal
- Bronze Star Medal
- Bronze Star Medal with "V" device (1st oak leaf cluster)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14 and M-16)

5. The applicant's name is listed on the Vietnam War Casualty Roster as wounded in action, hostile, on 2 March 1970 (casualty status code 24).

6. A search of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), an index of general orders issued during the Vietnam era between 1965 and 1973, maintained by the Military Awards Branch of the U.S. Army Human Resources Command, found general orders, dated 27 April 1970, awarding the applicant the Air Medal (2nd Award) for service during the period 20 June 1969 to 14 February 1970. Orders for the Purple Heart pertaining to the applicant were not found during the ADCARS search.

7. The applicant provided:

a. A Purple Heart Certificate showing he was awarded the Purple Heart for wounds received in action in Vietnam on 2 March 1970 (as shown on the Vietnam War Casualty Roster).

b. An Air Medal Certificate showing he was awarded the Air Medal (2nd Award) for service during the period 20 June 1969 to 14 February 1970.

#### 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 entry on the Vietnam Casualty Roster confirms the information shown on the Purple Heart Certificate the applicant provided, which is sufficient to confirm his entitlement to the Purple Heart. The Board determined the Purple Heart should be added to his DD Form 214.

3. The Board concurred with the correction described in Administrative Note(s) below.

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 amending his DD Form 214 to add the Purple Heart and to make the correction shown in Administrative Note(s) below.

2/12/2024

X [REDACTED]

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CHAIRPERSON  
[REDACTED]

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 search of ADCARS found General Orders Number 4638, dated 27 April 1970, issued by Headquarters, 101st Airborne Division (Airmobile), awarding the applicant the Air Medal (2nd Award) for service during the period 20 June 1969 to 14 February 1970. Therefore, there is sufficient evidence to correct his DD Form 214 to show this award without Board action.

REFERENCES:

1. Title 10, U.S. 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 600-8-22 (Military Awards) states 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.

//NOTHING FOLLOWS//