

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 January 2024

DOCKET NUMBER: AR20230006242

APPLICANT REQUESTS: reconsideration of his previous request to show he was awarded the Purple Heart. A personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored Statement
- Facebook Post from M-C-
- Statement from M-C-
- Recommendation from K-B-
- Recommendation from E-B-

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 Dockets Number:

- AR20100025791 on 3 May 2011
- AR20110011887 on 5 January 2012
- AR20150017251 on 9 March 2017.

2. The applicant states in relation to his injury during the Persian Gulf War, 25 February 1991:

a. Due to administrative oversight the appropriate documentation was not inserted in his file showing the medical treatment post combat injury during the actions breaching the minefields in Southern Iraq, lane Bravo as listed in the Tactical Operations Command Center logs, specifically lines 351 and 352. The information needed were in the battlefield logs and were not available at the time of his initial application and the only witnesses to the event deceased however one senior medic was present when the secure radio communication came in reporting his wounds while under fire.

b. Attached to 7th Corps, Taskforce Dreadnought (TF Dreadnought) who were noted for Valorous Actions during the Battle of Norfolk and 73 Easting where they destroyed an entire Iraqi Division in a period of a couple of days (Tawalakana Division of the Republican Guard). It was during this period, while minefield breaching (see docs) him and his vehicle were struck by a mine in the breaching lanes, lane Bravo to be specific. While under fire, fearing for his guys in the M113 they were using for the Air Force Liaison Officer (ALO) operations mobility, he dismounted the vehicle to pop the final drives which is the first thing you do when getting towed by a recovery vehicle after successfully breaking the lacing wire from one and using a tanker bar to release the drive gear from the sprocket hub he shifted to the other side the front hatch cover in the down position swinging back and forth with his activity suddenly took a blast only shielding some of the impact he was struck by what they determined was a personnel mine uncovered by the lane plow tanks when they had come through. He flew back and landed on his back and his face was on fire, his lower right jaw swollen, and his hearing was temporarily shot, He ran back to finish the mission. Afterwards he jumped atop his vehicle to man the crew served fifty caliber machine gun to cover his team being transferred to the other M113 in their group to "Charlie mike" or continue the mission. U.S. Air Force Lieutenant N- (the actual ALO officer) and his SINGARS radios as well as sensitive docs made the transfer to the other vehicle and were gone.

d. Suppressing small arms fire from nearby trenches, he saw a sight for sore eyes an armored M88 Recovery vehicle was quickly approaching their position, it swung around and backed into the plowed lane! He once again dismounted and hooked the tow cable to the rear of the M88 and did an end around run diving into the small hatch opening on the right side of the M88 clearing the opening landing inside hearing the zips and the pings of small arms fire obviously targeting him ricocheting off of the armor. He thought himself as lucky. Then, and only then after one of the mechanics on board, who had dropped down to check on him, was he made aware that he had in fact been hit. He had blood pouring out of the right side of his jaw. The lower jawbone was swollen and on fire like Holmes, Holyfield and Ali had punched him with a fist full of quarters. The mechanic tossed him a pressure bandage from his load carrying equipment, and he applied it to the area! It clot well and after they drove to a collection point, he was told to go see the battalion medic (Sergeant S- W- whom he had known for some time while back at Fort Riley). He checked him out and asked if he wanted to be "evacuated" and he said no. He was adamant to return to his vehicle, get her combat ready, and re-join the fight, which he did.

e. Imagine his surprise in 2015 while in a routine dental exam at Bright Now Dental located in Tacoma WA, when his X-Ray Tech asks, "when did you have jaw surgery?" He looked at her quizzically and asked, "Jaw Surgery?" She explained that he had a small piece of jagged metal lodged into his lower right jaw and after looking at it more closely could not be a medical implant, so she asked if he had been shot? He shrugged his shoulders and told her that the only time he had ever been in that situation was as

referenced above. After the exam, the X-Ray Tech supplied him with copies, and he went to his local Veterans Affairs (VA) hospital where he asked to be screened for injuries the VA found the wounds and the still embedded shrapnel in his lower right jawbone fused and calcified over at that time for 24 years. He was submitted for a compensation and pension exam and they decided it was service connected and assigned 0 percent Non – Maxo facial deforming" so no compensation was awarded (see docs). His Veteran Service Officer with both the Veterans of Foreign War and the Disabled American Vets suggested he submit for the Purple Heart award. He did and was summarily denied quickly due to the lack of evidence, no witness statements, and no casualty feeder report card was filed by the medic.

f. It was not until after his appeal that a local Congressman had his veterans aide assist in getting the battle field logs. He did not have those when filing before. So, he resubmitted the application but was told his appeal rights were exhausted. Somehow they restarted the process and told him to resubmit his request. He did with everything referenced. A week and a half ago he received his Valorous Unit Award ribbon without notice and a copy of the orders 30 years late and yesterday he received the letter awarding the Valorous Unit Award officially and denying the Purple Heart yet again. He took that opportunity to reach out through social media to find his medics. To his great surprise not only did he find one of them, he found the senior medic who was there in the battalion tactical operations center when the call came in about him. He agreed to do a statement in support of his claim as he remembered firsthand the details captured in the battlefield logs contained herein.

3. A review of the applicant's official record shows the following:

a. On 2 July 1986, the applicant enlisted in the Regular Army.

b. DA Form 2-1 (Personnel Qualification Record) shows in item 5 (Oversea Service) the applicant served in Saudi Arabia from 29 December 1990 through 9 May 1991 with Headquarters and Headquarters Company, 2nd Battalion, 34th Armor, in military occupational specialty 19E (Armor Crewman).

c. On 11 May 1992, DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Reinforcement). He was awarded or authorized:

- Army Service Ribbon
- National Defense Service Medal
- Army Lapel Button
- Army Good Conduct Medal
- Southwest Asia Service Medal with three bronze service stars
- Overseas Service Ribbon

- Kuwait Liberation Medal-
- Bronze Star Medal
- Expert Marksmanship Qualification Badge with Pistol Bar (.45 cal)
- Expert Marksmanship Qualification Badge with Hand Grenade Bar
- Army Achievement Medal

d. On 3 May 2011, in ABCMR Docket Number AR20100025791, the Board denied the applicant's request for award of the Purple Heart citing a lack of evidence in his record and he did not provide any evidence he was wounded or injured in action. The x-rays and casualty feeder report he submitted did not show he was wounded in action.

e. On 5 January 2012, in ABCMR Docket Number AR20110011887, the Board denied the applicant's request for reconsideration to award him the Purple Heart citing the applicant's argument that the metal fragments shown in his dental x-rays were the result of combat with the enemy in Iraq is not convincing without further documentation clearly showing dates, locations, and circumstances he received these fragments.

f. On 9 March 2017, in ABCMR Docket Number AR20150017251, the Board denied the applicant's request for reconsideration to award him the Purple Heart citing:

(1) There was no evidence in the applicant's records and he had not provided any evidence that shows he was wounded or injured in action. The x-rays and casualty feeder report he submitted did not show he was wounded in action. Absent evidence that conclusively shows he had sustained wounds or injuries as a result of hostile action; that he had been treated by medical personnel for those wounds or injuries; and that such medical treatment had been made a matter of official record; there was an insufficient basis for awarding the Purple Heart.

(2) The applicant in support of his reconsideration in ABCMR Docket Number AR20150017251 provided a DA Form 1594 (Daily Staff Journal or Duty Officer's Log) showing on line 351 "one wounded in action in the M88 in breach lane Bravo and one M113 is broken down in lane Bravo." Line 352 shows "lift fires on objective 10K."

g. On 28 January 2023, a DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty) was prepared which added the Valorous Unit Award to the applicant's DD Form 214 ending on 11 May 1992.

4. The applicant provides:

a. A Facebook message from Mr. M- C- that states he was the senior medic at the jump aid station alongside Chief J-. He remembers the radio traffic about the applicant's injury, but he did not work on him or see him for any follow ups that he recalls. He can write a statement about it if it would help.

b. Statement from Mr. M- C- that states, the Facebook message was in response to the applicant's request for support of his claim. For specific details about his specific duties performed while the senior medic assigned to Task Force Dreadnought the tactical operations center where the battlefield logs were annotated would reflect the injuries the applicant sustained. He was present when the when the call came into the tactical operations center reporting his injuries during the minefield breach.

c. Recommendation from Dr. K- B- which states:

(1) He believes that the applicant was in fact wounded in Iraq during the Persian Gulf War, 25 February 1991. The X-Rays both from his private Dental provider matched up with his expiration term of service physical X-Rays showing shrapnel embedded in his lower right jaw is consistent with combat injuries his DD Form 214 showing not one but two combat awards for direct action against the enemy where he was not only under fire but exposed himself repeatedly to enemy fire before a landmine in lane Bravo of the Minefield Breach on 25 February 1991.

(2) Referenced in his supporting documents show (see Battlefield Logs Task Force Dreadnought -2nd Battalion, 34th Armor, line 351 and 352) define the moment this injury occurred. To also support his claim are the direct comments and recognition of his battalion senior medic Sergeant M- C-, who confirms he was at the Tactical Operations Center where the applicant's status was transmitted over the secure radio that are reflected in the same logs as provided.

(3) He supports his claim for the correction of his Military Record to reflect the award of the Purple Heart and thank him for his many years of service to this Nation.

d. Recommendation from Dr. E- B- which states:

(1) As a Veteran, Executive Board Member and familiar with this case, having reviewed the documents the applicant has provided, he believes that he was in fact wounded in Iraq during the Persian Gulf War, 25 February 1991. The X-Rays both from his private Dental provider matched up with his expiration term of service physical X-Rays showing shrapnel embedded in his lower right jaw is consistent with combat injuries his DD Form 214 showing not one but two combat awards for direct action against the enemy where he was not only under fire but exposed himself repeatedly to enemy fire before a landmine in lane Bravo of the Minefield Breach on 25 February 1991, referenced in his supporting documents show (see Battlefield Logs Task Force Dreadnought, 2nd Battalion, 34th Armor. line 351 and 352) define the moment this injury occurred. To also support his claim are the direct comments and recognition of his battalion senior medic Sergeant M- C- who confirms he was at the Tactical Operations Center where the applicant's status was transmitted over the secure radio that are reflected in the same logs as provided.

(2) He supports his claim for the correction of his Military Record to reflect the award of the Purple Heart and thank him for his many years of service to this Nation. He has known the applicant personally for over 15 years, sat on multiple boards with him and have known him to be a man of integrity.

BOARD DISCUSSION:

1. The applicant's request for a personal appearance hearing was carefully considered. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends that he was injured during the Gulf War by enemy fire and should receive the Purple Heart. To be awarded the Purple Heart, the regulatory guidance requires all elements of the award criteria to be met; there must be proof a wound was incurred as a result of enemy action, that the wound required treatment by medical personnel, and that the medical personnel made such treatment a matter of official record. There is no evidence in his service record of an injury as a result of enemy action and there is no contemporaneous medical documentation for his contended injury submitted with the application or found in the record. The applicant did not provide evidence that satisfies the criteria for award of the Purple Heart and therefore the Board determined there is insufficient documentation to warrant awarding it to him.

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:

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 insufficient as a basis to amend the decision of the ABCMR set forth in Dockets Number AR20100025791 on 3 May 2011; AR20110011887 on 5 January 2012; and AR20150017251 on 9 March 2017.

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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.

REFERENCES:

1. Army Regulation (AR) 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. 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 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//