

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 February 2024

DOCKET NUMBER: AR20230006419

APPLICANT REQUESTS: In effect that the deceased former service member's (FSM) records be corrected to show award of the Purple Heart and provide the family with a complete list of his awards.

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

- DD Form 149 (Application for Correction of Military Record)
- FSM Death Certificate

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 is requesting on behalf of the family of the FSM to determine if the FSM was awarded the Purple Heart and if he was entitled to any other medals.
3. A review of the FSM's service record show was inducted into the Army of the United States on 14 January 1969. He completed training with award of the military occupational specialty of 11B (Light Weapons Infantryman). The highest rank/grade he held was sergeant/E-5.
4. The applicant served in Vietnam with Company B, 2nd Battalion, 502 Infantry Regiment from 12 June 1969 through 10 June 1970.
5. The applicant's DA Form 20 (Enlisted Qualification Record) shows:
 - His conduct and efficiency ratings as excellent
 - Service in Vietnam during one campaign period
 - Award of the:
 - Army Commendation Medal

- Air Medal
- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (60)
- Combat Infantryman Badge
- Marksman Qualification Badge with Rifle bar

6. The applicant was honorably released from active duty on 13 January 1971 and transferred to the U.S. Army Reserve Control Group (Annual Training). The DD Form 214 issued at this time lists his awards as the:

- Army Commendation Medal
- Air Medal
- National Defense Service Medal
- Vietnam Service Medal one bronze service star
- Republic of Vietnam Campaign Medal with Device (1960)
- Combat Infantryman Badge

7. There are no available medical records to show that the applicant was treated for a wound received while in action against the enemy or as the result of enemy action, his DA Form 20 (Enlisted Qualification Record) is blank for any indication of the Purple Heart and his DD Form 214 does not list the Purple Heart as an authorized award.

8. A review of the Vietnam Casualty List failed to locate any reference to the applicant.

9. A review of the U. S. Army Center of Military History web site "Vietnam Campaign Periods" shows that the applicant served in Vietnam during three campaign periods; Summer-Fall 1969 (9 June 1969 - 31 October 1969), Winter-Spring 1970 (1 November 1969 - 30 April 1970), and Sanctuary Counteroffensive (1 May 1970- 30 June 1970).

10. A review of the Department of the Army Pamphlet 672-3 (Decorations, Awards, and Honors Unit Citation and Campaign Participation Credit Register), shows that during the period the applicant served with the 2nd Battalion, 502 Infantry Regiment, it received the following unit awards in accordance with Department of the Army General Order (DAGO):

- DAGO 40, the Valorous Unit Award
- DAGO 8, the Republic of Vietnam Gallantry Cross Unit Citation with Palm

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the lack of documentation showing the FSM was wounded and treated for combat wounds during his service in Vietnam, the Board concluded there was insufficient evidence of an error or injustice warranting awarding the Purple Heart.

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:

1. 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 for correction of the records of the individual concerned.
2. Prior to closing the case, the Board did note the administrative notes below from the analyst of record and recommended those changes be completed to more accurately reflect the military service of the FSM.

5/20/2024

X [REDACTED]

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 review of the applicant's record shows his DD Form 214, for the period ending 13 January 1971 is missing entries that do not require Board action. As a result, amend the DD Form 214 by:

a. Deleting from item 13 (Decoration, Medals, Badges, Citations, and Campaign Ribbons) the Vietnam Service Medal with one bronze service star.

b. Adding to Item 13 the following entries:

- Vietnam Service Medal with three bronze service stars
- Marksman Qualification Badge with Rifle Bar
- Valorous Unit Award
- Republic of Vietnam Gallantry Cross Unit Citation with Palm

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) sets forth the basic authority, policy, criteria, and administrative instructions concerning individual military awards and decorations. It states that 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. 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, 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. There must have been no convictions by a court-martial.6419

//NOTHING FOLLOWS//