

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 January 2024

DOCKET NUMBER: AR20230006578

APPLICANT REQUESTS: correction to his DD Form 214 (Report of Separation from the Armed Forces of the U.S.) to show his awards and combat service.

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

- DD Form 149 (Application for Correction of Military Record), 20 March 2023
- Letter, first lieutenant (1LT) G____ G____, dated 14 March 1953

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 his DD Form 214 (Report of Separation from the Armed Forces of the U.S.) should be corrected to show his awards and combat service. In March/April 1953 he received shrapnel injuries and wounds to his body. He received emergency treatment at the company and battalion aid sites. He has submitted requests since 1953 and has not received acknowledgement.

3. The applicant's records contain sufficient evidence to support additional information not shown on his DD Form 214. His DD Form 214 for the period ending, 19 November 1953 will be administratively corrected without Board action to show in:

a. item 27 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- Republic of Korea – Korean War Service Medal
- Republic of Korea Presidential Unit Citation

b. item 38 (Remarks) - service in Korea from 1 February 1953 to 23 October 1953.

4. On 30 November 1951, the applicant was inducted into the Army of the United States.

5. The applicant's active-duty medical records show in part on:

- 6 December 1951, a right knee complaint
- 7 February 1952, visit to the eye clinic for itching and tearing
- 6 March 1952, a complaint of headaches associated with minor injury
- 6 March 1952, eye strain, applicant states he cannot do strenuous exercises
- 13 May 1952, a trauma to right hand
- 23 June 1952, x-ray of right hand

6. His DA Form 20 (Enlisted Qualification Record) shows in:

a. item 3 (Organizations to Which Assigned and Attached) – in Korea he was assigned to C Company, 7th Infantry Regiment, 3rd Infantry Division, APO 468, from 1 February 1953 to 23 October 1953. He received "excellent" and "unknown" conduct and efficiency ratings.

b. item 7 (Combat Record) – service in Korea from 23 January 1953 to 27 July 1953.

c. item 8 (Wounds Received through Enemy Action) – it is unclear whether this item contains an entry of if there is smudging on the document, nevertheless, the markings are not legible.

d. item 9 (Medals, Decorations and, Citations) – Combat Infantryman Badge, Korean Service Medal with two bronze service stars, United Nations Service Medal, National Defense Service Medal.

e. Section 14 (Remarks) - reads, "FAVORABLY CONSIDERED FOR GOOD CONDUCT MEDAL."

7. The applicant provides a letter, issued by First Lieutenant G____ G____, dated 14 March 1953, which reads:

Dear [Applicant],

Having just returned from the hospital, I was assigned to Regimental Headquarters - permanently. While at MASH I was informed that you stayed only a short while, and were discharged [from the hospital]. This, of course was a surprise to me as you were hit pretty hard. ...The colonel at MASH requested a statement on the patrol we participated in. As you instructed previously, I did not indicate or sign my name to anything. You know though that you were put in for the Award of the Purple Heart and recommended for the Bronze Star. The other EM and myself engaged in the

conflict that night submitted your name for a higher award but you know the army. Never-the-less, because of the reasons you gave me I held back any comment. I guess your mother would be shocked had she learned of your duties when you informed her you are stationed in Pusan. But [Applicant], these things [don't] happen every day. An award such as designated for you [isn't] something you throw aside. You possessed unusual qualities of physical stamina and endurance that night. You demonstrated intelligent, practical and sound thinking on the patrol. If not for you, I believe all our planning and rehearsals would have gone under. As I told the colonel, you are an individual of high moral qualities and demonstrate a high degree of leadership, integrity, and loyalty. The rest is up to you as far as the decorations go...

8. The applicant's Report of Medical Examination, completed on 18 November 1953, shows in part, no Army hospitalization, and no complaints of a medical nature at time of exam.

9. The applicant's Report of Medical History, undated, shows in part, a complaint of headaches and head injury during the Korean conflict.

10. On 19 November 1953, he was honorably released from active duty. His DD Form 214 shows he completed 1 year, 11 months and 20 days of net service.

a. item 27 show he was awarded or authorized:

- Korean Service Medal with two bronze service stars
- United Nations Service Medal
- National Defense Service Medal
- Combat Infantryman Badge

b. item 29 (Wounds received as a result of action with enemy forces) – "None".

c. item 38 lists administrative entries but not his service in Korea.

11. A Disposition Form, dated 17 March 1954, shows a request for a morning report of Company C, 7th Infantry Regiment for February 1953 be searched for record of treatment of wounds for the applicant.

12. In response to the applicant's inquiry of his award of the Purple Heart and injuries, the headquarters states they have no records of the applicant being wounded or awarded the Purple Heart.

13. The applicant's Report of Medical Examination/History, completed on 15 November 1958, shows in part, no abnormal or unusual findings.

14. On 29 November 1989, in ABCMR Docket Number AC89-06417, the Board denied his request for award of the Purple Heart.

15. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period 30 November 1951 through 19 November 1953.

16. By regulation (AR 600-8-22 - Military Awards), 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.

16. By regulation (AR 672-5-1), the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service, 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. There must have been no convictions by a court-martial.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that a portion of the request relief is warranted. The Board carefully considered the applicant's contentions, military record, and regulatory guidance. The Board considered documentation showing that the applicant had been injured; however, in the absence of additional supporting information regarding the injury, the Board could not conclusively determine that regulatory guidance for the award of the Purple Heart had been met.

2. Further review revealed sufficient evidence to grant the award of the Army Good Conduct Medal. The applicant's record reflects all "excellent" with the exception of one "good," and 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 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.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending his DD214 for the period ending 19 November 1953 showing in:

a. item 27 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized:

- o Army Good Conduct Medal for exemplary service from 30 November 1951 to 19 November 1953
- o Republic of Korea – Korean War Service Medal
- o Republic of Korea - Republic of Korea Presidential Unit Citation

b. item 38 (Remarks) - service in Korea from 1 February 1953 to 23 October 1953.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to award of the Vietnam Service Medal (VSM).

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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.

ADMINISTRATIVE NOTE(S):

Review of the applicant's record shows his DD Form 214 should be corrected to show in:

a. item 27 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- Republic of Korea – Korean War Service Medal
- Republic of Korea Presidential Unit Citation

b. item 38 (Remarks) - service in Korea from 1 February 1953 to 23 October 1953.

REFERENCES:

1. Army Regulation 600-8-22 (Military Awards) states, the Purple Heart is awarded to any member who, while serving under competent authority in any capacity with one of the Army Services, has been wounded or killed or who has died or may hereafter die after being wounded as a result of hostile enemy action. Substantiating evidence must be provided to verify that the wound was the result of hostile action, the wound must have required treatment by a medical officer, and the medical treatment must have been made a matter of official record.

2. Army Regulation 635-5 (Separation Documents) states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The specific instructions for:

- item 27, enter decorations awarded or authorized during period covered by the DD Form 214 being prepared from item 21, DA Form 24 (Service Record)
- item 29, enter chronologically each wound received during the period covered by the DD Form 214 being prepared as the result of enemy action
- item 38, the remarks section will be used to complete entries too long for their respective blocks

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 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.

//NOTHING FOLLOWS//