

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 January 2024

DOCKET NUMBER: AR20230006713

APPLICANT REQUESTS:

- Entitlement to a second award of the Purple Heart
- Correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show Bronze Star Medal with "V" Device and Purple Heart (2nd Award)

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

- DD Form 149 (Application for Correction of Military Record)
- Purple Heart Certificate, dated 12 January 1995 (wound date 19 June 1967)
- Bronze Star Medal Certificate, dated 21 June 1967
- DD Form 1380 (Field Medical Card), 19 June 1967
- SF 600 (Health Record) Medical treatment record dated 22 July 1967
- General Orders Number 4169, Headquarters (HQ) 9th Infantry Division, dated 21 August 1967 (Bronze Star Medal with "V")
- DD Form 214, 24 August 1967
- A third-party supporting statement dated 13 March 1968

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 he is requesting that his Bronze Star Medal with "V" Device and the Purple Heart (2nd Award) be included on his DD Form 214. He received a second PH wound on 21 July 1967
3. The applicant was inducted into the Army of the United State on 2 November 1965 for 2 years. He completed training with award of the military occupational specialty 11B (Light Weapons Infantryman). The highest grade he held was E-4.

4. The applicant's DA Form 20 (Enlisted Qualification Record) provides the following at:

a. Item 31 (Foreign Service) service in Vietnam from 23 August 1966 through and unreadable date.

b. Item 38 (Record of Assignments) shows service in Vietnam as a rifleman with K Troup, 3rd Squadron, 11th Armored Cavalry Regiment from 20 August 1966 to 22 August 1967.

c. Items 39 (Campaigns) and 40 (Wounds) are blank.

d. Item 41 (Awards and Decorations) lists his awards as the:

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

5. Headquarters, 5th Infantry Division General Orders Number 4169, dated 21 August 1967 awarded the applicant the Bronze Star Medal with "V" for his heroic actions on 21 July 1967. The citation reads:

He distinguished himself by valorous actions on 21 July 1967, while serving as an Armored Cavalry Assault Vehicle Commander participating in a relief column directed to reinforce elements of his unit that were heavily engaged with a reinforced battalion of Viet Cong along a main resupply route. Entering the area of intense engagement, the two vehicles in front of [Applicant] and the vehicle to his rear were hit by enemy antitank rounds. Realizing that all noncommissioned officers of the relief force were wounded, and that the relief force were wounded, and that the platoon leader was dead, [Applicant] immediately and gallantly assumed command of the platoon and directed the remaining vehicles to place suppressing fire upon the insurgents positioned on the left side of the road. Skillfully maneuvering to the right side of the road, [Applicant] and his crew directed an extremely accurate and effective barrage of return fire upon the numerically superior hostile force. Without regard for personal safety, he fearlessly maneuvered his vehicle among the disabled vehicles and loaded the wounded personnel aboard. After evacuating the wounded men to a landing zone, he secured the immediate area and supervised the re-distribution of ammunition to the platoon.

6. The only copies of award orders in the available record are the General Orders Number 4169.

7. The applicant was honorably released from active duty and transferred to the U. S. Army Reserve Control Group (Annual) on 24 August 1967 in the grade of E-4. His awards and decorations are listed as the:

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

8. The applicant provided:

a. A copy of a DD Form 1380 showing he sustained powder burns to his left leg and abrasions to his left hand due to enemy action "defending perimeter" at 0130 hours, 19 June 1967. The wounds were cleaned and dressed at 3rd Squadron Field Dispensary, at 1430 hours, 19 Jun 1967.

b. A Standard Form 600 (Chronological Record of Medical Care) showing treatment on 22 July 1967 for a small fragment wound was removed from the applicant's left wrist area and dressed. He received 1% xylocaine. A second entry on this form, dated 26 July 1967, shows he was again treated at Regiment Dispensary, 11th Armored Cavalry Regiment, with a written remark, "same as above, had pain while fragment was removed, healing well-no treatment needed. Bandage and dressing applied." The date of this wound is not indicated.

c. A statement from a Soldier serving in the Awards and Decoration Section verifying his personal knowledge that the applicant was awarded the Bronze Star Medal with "V" Device and stating he should also have received the Purple Heart.

d. A Memorandum from the U.S. Army Reserve Personal Center, dated 29 November 1994, on a Congressional inquiry on the applicant's request for award of and issuance of the Purple Heart. It states the Vietnam casualty microfiche shows the service member's date of casualty as 19 June 1967, status 23, hostile wounded in action-not serious hospitalized with a cause of "HL".

e. A Purple Heart Certificate was issued to the applicant on 12 January 1995 for wounds received in action in Vietnam on 19 June 1967. The PH certificate does not include an order number.

9. A review of the Vietnam Casualty List found the applicant's name at line 70720. It shows he was wounded on 19 June 1967 with a causality status of 23 (Hostile Wounded in Action: Not Serious Not Hospitalized), a major attributing cause of H (not a

booby trap), and a complimentary cause of L (other weapons including cutting instruments, piercing instruments, blunt instruments, etc.).

10. The applicant served in Vietnam during two campaign periods: Counteroffensive, Phase II - 1 July 1966 - 31 May 1967 and periods: Counteroffensive, Phase III - 1 June 1967 - 29 January 1968.

11. A review of Army Pamphlet 672-3 shows that during the period the applicant was assigned to K Troup, 3rd Squadron, 11th Cavalry Regiment it was awarded the Valorous Unit Award, Meritorious Unit Commendation, and the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. General Orders awarded the applicant the Bronze Star Medal with V Device for heroism on 21 July 1967. This award is not listed on his DD Form 214. The Board determined the award should be listed.

b. The evidence shows the applicant served in Vietnam as a rifleman with K Troup, 3rd Squadron, 11th Armored Cavalry Regiment from 20 August 1966 to 22 August 1967.

(1) He provides a DD Form 1380 that shows he sustained powder burns to his left leg and abrasions to his left hand due to enemy action "defending perimeter" at 0130 hours, 19 June 1967. The wounds were cleaned and dressed at 3rd Squadron Field Dispensary, at 1430 hours, 19 Jun 1967. He would later (12 January 1995) be awarded the Purple Heart for this injury, but the award was not listed on his DD Form 214. The Board determined the award should be listed.

(2) He provides SF 600 that shows treatment on 22 July 1967 for a small fragment wound was removed from the applicant's left wrist area and dressed. He received 1% xylocaine. A second entry on this form, dated 26 July 1967, shows he was again treated at Regiment Dispensary, 11th Armored Cavalry Regiment, with a written remark, "same as above, had pain while fragment was removed, healing well-no treatment needed. Bandage and dressing applied." The date of this wound is not indicated. The source of the injury is also not indicated. The Board determined additional evidence is needed to establish his eligibility for a second award of 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. In addition to the correction addressed in Administrative Note(s) below 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 adding to his DD Form 214 the Bronze Star Medal with V Device and the Purple Heart.
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 awarding him a second award of the Purple Heart.



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 24 August 1967 is missing entries that do not require Board action. As a result, amend the DD Form 214 by adding the following entries to:

a. Item 24 (Decoration, Medals, Badges, Citations, and Campaign Ribbons):

- Two bronze service stars for wear on his Vietnam Service Medal
- Valorous Unit Award
- Meritorious Unit Commendation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

b. Item 30 (Remarks): "Vietnam Service: 20 August 1966 to 22 August 1967"

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. U.S. Army Vietnam Regulation 672-5-1 (Decorations and Awards), prescribed policies, responsibilities, and criteria for awards in order to insure prompt and proper recognition of individuals. The regulation stated:

a. The Purple Heart may be awarded to U.S. personnel who are wounded or killed in action as a direct result of enemy action.

b. A wound for which the award is made must have required treatment by a medical officer and records of medical treatment for wounds or injuries received must have been made a matter of official record.

c. Not more than one award will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent.

//NOTHING FOLLOWS//