

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 January 2024

DOCKET NUMBER: AR20230007117

APPLICANT REQUESTS: award of the Purple Heart (PH) and correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the award.

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

- DD Form 149 (Application for Correction of Military Record)
- Purple Heart Certificate
- Department of Veterans Affairs verification of 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 states his DD Form 214 does not include his award of the Purple Heart.
3. The applicant was inducted into the Army of the United States on 15 June 1967, and completed training with award of military occupational specialty 11B (Light Weapons Infantryman). The highest grade he held was E-4.
4. The applicant served in Vietnam from 20 September 1968 to 25 January 1969. A Western Union Telegram dated 9 January 1969 shows his family was notified he was slightly wounded and he sustained gunshot wounds (GSW) to his right hand and both lower extremities on 7 January 1969, he was hospitalized, and treated in Vietnam.
5. A casualty report shows he was on a search and clear mission and while checking out caves, he received his wounds, and he was initially treated at the 67th Evacuation Hospital in Qui Nhon, Vietnam. He was subsequently medically evacuated to the Naval Hospital Chelsea, MA.

6. On 14 July 1969, a Physical Evaluation Board convened at the Valley Forge General Hospital, Phoenixville, PA, found the applicant unfit for continued service due to the wounds he received on 7 January 1969 and recommended he be medically retired with a 30 percent disability evaluation.

7. The applicant's DA Form 20 (Enlisted Qualification Record) shows at:

a. Block 38 (Record of Assignments Conduct and Efficiency) the applicant's conduct and efficiency ratings as excellent.

b. Block 40 (Wounds) GSW (Gunshot Wound) right hand and legs.

8. The applicant was released from active and placed on the Temporary Disability Retired List effective 1 August 1969. His DD Form 214 shows he had 1 year, 8 months, and 16 days of active duty service, with 4 months and 6 days of that service in Vietnam. His awards are listed as:

- National Defense Service Medal
- Vietnam Service Medal
- Combat Infantryman Badge
- Parachute Badge
- Sharpshooter Marksmanship Qualification Badge with Rifle bar (M-14)
- Marksman Marksmanship Qualification Badge with Rifle bar (M-16)

9. A review of the Vietnam Casualty List shows he was wounded on 7 January 1969 with a description of "Hostile Wounded, In Action: Not Serious Hospitalized."

10. It is noted that applicant is not shown to have been awarded the Army Good Conduct Medal for the period 15 November 1967 to 31 July 1969, there is no indication in the record that he received any derogatory comments or actions that would preclude its award, and his conduct and efficiency ratings were recorded as excellent.

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 evidence confirms the applicant is entitled to the Purple Heart based on the wounds he received as a result of hostile action on 7 January 1969. The Board determined he should be awarded the medal and it should be added to his DD Form 214.

3. The Board found the applicant met the criteria for the Army Good Conduct Medal (1st Award). The Board determined he should be awarded this medal and it should be added to his DD Form 214.

4. The Board concurred with the corrections 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:

- Awarding him the Purple Heart for wounds incurred as a result of hostile action on 7 January 1969
- Awarding him the Army Good Conduct Medal (1st Award) for the period 15 November 1967 through 31 July 1969
- Amending his DD Form 214 to add the Purple Heart and Army Good Conduct Medal
- Making the corrections described in Administrative Note(s) below

3/20/2024

X 

CHAIRPERSON



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 31 July 1969 is missing entries that does not require Board action. As a result, amend the DD Form 214 by:

- a. Adding to item 24:
 - two bronze service stars with the Vietnam Service Medal
 - Republic of Vietnam Campaign Medal with Device (1960)
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
- b. adding to item 30: "Service in Vietnam 20 September 1968 to 25 January 1969."

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. Department of the Army General Orders Number 8, dated 1974, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U. S. Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.
3. 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. Authority to award the Purple Heart was delegated to hospital commanders. Further, it directed that all personnel treated and released within 24 hours would be awarded the Purple Heart by the organization to which the individual was assigned. Personnel requiring hospitalization in excess of 24 hours or evacuation from Vietnam

would be awarded the Purple Heart directly by the hospital commander rendering treatment.

d. The Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed except 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. 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.

4. Army Regulation 600-8-22 (Military Awards), as in effect at the time, states:

a. 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.

b. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity during a qualifying period of active duty enlisted service. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of active Federal military service. A record of punishment is not automatically disqualifying. However, at that time, a single efficiency rating of less than excellent was disqualifying. Although there is no automatic entitlement to the Good Conduct Medal, disqualification must be justified.

c. The Republic of Vietnam Campaign Medal with Device (1960) was awarded by the Government of the Republic of Vietnam to members of the United States Armed Forces who served in the Republic of Vietnam for 6 months during period specified or for less than 6 months and have been wounded by hostile forces. Such individuals must meet the criteria established for the Armed Forces Expeditionary Medal (Vietnam) or the Vietnam Service Medal, during the period of service required to qualify for the Republic of Vietnam Campaign Medal.

d. A bronze service star is authorized for wear on the Vietnam Service Medal for each campaign period the individual was assigned or attached to and present for duty with a unit during each campaign period.

//NOTHING FOLLOWS//