

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 February 2024

DOCKET NUMBER: AR20230007734

APPLICANT REQUESTS: award of the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record), 5 April 2023
- DD Form 214 (Armed Forces of the U.S. Report of Transfer or Discharge)
- Western Union Telefax, 18 July 1966

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 that he should be awarded the Purple Heart for wounds he sustained on 14 July 1966. His casualty report establishes that all requirements have been met. His request is related to his service in the Vietnam War.
3. The Board will consider the applicant's request for the Purple Heart, and as a separate item, the Army Good Conduct Medal.
4. On 26 May 1965, the applicant was inducted into the Army of the United States.
5. His DA Form 20 (Enlisted Qualification Record) shows in:
 - a. item 38 (Record of Assignments) – in Vietnam, he received "excellent" conduct and efficiency ratings and was assigned to the following units:
 - Company A, 266th Quartermaster Battalion, from 23 June 1966 to 19 July 1966
 - Headquarters and Main Support Company, 2nd Maintenance Battalion, from 20 July 1966 to 8 May 1967

- b. item 40 (Wounds) – “NONE”
- c. item 41 (Awards and Decorations) –
 - National Defense Service Medal
 - Vietnam Service Medal

6. The applicant provides a Western Union telefax, 18 July 1966, that show in part, the applicant was wounded in Vietnam on 14 July 1966, as a result of hostile action. The applicant sustained metal fragment wounds to the body when an unknown type of hostile explosive device was detonated. The applicant was treated and returned to duty.

7. On 12 May 1967, he was honorably released from active duty. His DD Form 214 shows he completed 1 year, 11 months and 17 days of net service.

- a. Item 24 show he was awarded or authorized:
 - National Defense Service Medal
 - Vietnam Service Medal
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)

b. Item 30 lists administrative entries but not his service in Vietnam.

8. Review of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the Awards and Decorations Branch of the U.S. Army Human Resources Command, failed to reveal any orders for award of the Purple Heart pertaining to the applicant.

9. The applicant's name is listed on the Vietnam Casualty roster as having been wounded on 14 July 1966, Code 23 (hostile, wounded in action, not serious hospitalized).

10. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period 26 May 1965 through 12 May 1967.

11. 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.

13. 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 relief is warranted.
2. The Board found the evidence confirms the applicant was wounded on 14 July 1966 under circumstances that met the criteria for the Purple Heart. The Board determined he should be awarded the Purple Heart 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:

<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 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 14 July 1966
- Awarding him the Army Good Conduct Medal (1st Award) for the period 26 May 1965 through 12 May 1967
- Adding the Purple Heart and Army Good Conduct Medal (1st Award) to his DD Form 214
- Making the corrections described in Administrative Note(s) below

5/6/2024

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 records show he was authorized awards and an administrative entry not shown on his DD Form 214. Please add to:

- a. item 24 –
 - Republic of Vietnam Campaign Medal with Device (1960)
 - two bronze service stars with the Vietnam Service Medal
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
- b. item 30 – service in Vietnam from 23 June 1966 to 8 May 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. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. 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:

(1) In any action against an enemy of the United States;

(2) In any action with an opposing armed force of a foreign country in which the Armed Forces of the United States are or have been engaged;

(3) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;

(4) As a result of an act of any such enemy of opposing armed forces;

(5) As a result of an act of any hostile foreign force;

(6) After 23 March 1973, as a result of an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of the Army, or jointly by the Secretaries of the separate armed services concerned if persons from more than one service are wounded in the attack;

(7) After 28 March 1973, as a result of military operations while serving outside the territory of the United States as part of a peacekeeping force; or

(8) Members killed or wounded by friendly fire.

b. 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.

3. Army Regulation 600-8-22 also shows that The Republic of Vietnam Campaign Medal with Device (1960) was awarded by the Government of Vietnam to all members of the Armed Forces of the United States for qualifying service in Vietnam during the period 1 March 1961 through 28 March 1973. Qualifying service included assignment in Vietnam for 6 months or more. Qualifying service outside the geographical limits of the Republic of Vietnam required the individual to provide direct combat support to the Republic of Vietnam and Armed Forces. Also eligible for this award are individuals who qualified for award of the Vietnam Service Medal or the Armed Forces Expeditionary Medal and served for less than six months of service but:

- were wounded as a result of hostile action
- were captured by hostile forces but later escaped or were rescued or released
- were killed in action or otherwise in line of duty

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam.

a. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign.

b. 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. Military Assistance Command and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam and its subordinate units during the period 20 July 1965 to 28 March 1973.

5. 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.

6. Army Regulation 635-5 (Separation Documents) prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for the

preparation of the DD Form 214 and states that the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. The DD Form 214 provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

- item 24, List all federally recognized awards and decorations for all periods of service
- item 30, for active-duty Soldiers deployed with their unit during their continuous period of active service, enter "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive date)"

//NOTHING FOLLOWS//