

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 February 2024

DOCKET NUMBER: AR20230007747

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from the Armed Forces of the United States) to show the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- U.S. Army Reserve (USAR) discharge orders and Honorable Discharge Certificate
- letter from the applicant to the National Personnel Records Center (NPRC) dated 13 May 2004
- letter from the applicant's son dated 17 April 2023
- photo a Purple Heart medal and case
- letter from the applicant, undated
- copy of The Military Order of the Purple Heart pamphlet
- letter from the National Personnel Records Center (NPRC)
- National Archives Form 13075 (Questionnaire About Military Service)
- National Archives Form 13055 (Request for Information Needed to Reconstruct Medical Data)

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's military records are not available for review. A fire destroyed approximately 18 million service members' records at the NPRC in 1973. It is believed his records were lost or destroyed in that fire. This case is being considered based on the documents the applicant provided.
3. In a letter to the NPRC, dated 13 May 2004, the applicant states:

a. He was hit in the left hand by a piece of shrapnel from a Chinese hand grenade during action on a hill called "Old Baldy" in the late evening of 24 July 1952. Their medic bound it up the next morning, but it was determined that it needed stitches so sometime in the next couple of days, he was sent back to the forward aid station to get the proper attention. He actually received the Purple Heart medal and case from one of their officers some days later, but it never got on his records.

b. He recognizes that some of their records were burned but the archives somewhere contain the morning reports for Company E, 2nd Battalion, 23rd Infantry Regiment, 2nd Infantry Division for the dates of 24-27 July. The morning reports for the company should show the action and wounded. He knows that he has to apply to the ABCMR for a DD Form 215, but they require some proof that you were wounded, and the action and the morning reports are the only things he could think of that might help. He has no contact with any of the personnel who were there at the time.

4. In a letter dated 17 April 2023, the applicant's son states his father was injured on 24 July 1952. He was hit in the left hand by pieces from a grenade during action on a hill called "Old Baldy". He has had pieces of shrapnel come out of him for years afterwards and is still dealing with nightmares from his experience in this war. He actually received, in person from one of the officers, the Purple Heart Medal and case. Unfortunately, this information did not make it into his military records. They do not have a certificate of this award. In 1973, a fire destroyed any evidence of him receiving this medal. Enclosed are pictures of his Purple Heart Medal and case. He has tried in the past to update and correct his military record.

5. The applicant's DD Form 214 shows:

- He was inducted into the Army of the United States and entered active duty on 28 November 1951
- He served 1 year, 1 month, and 24 days of foreign and/or sea service
- He was awarded the Combat Infantryman Badge, Korean Service Medal with two bronze service star, and the United Nations Service Medal
- His most significant duty assignment was Company E, 23rd Infantry Regiment
- He did not receive wounds as a result of action with enemy forces
- He was honorably released from active duty on 12 August 1953
- He completed 1 year, 8 months, and 15 days of active service

6. The applicant was honorably discharged from the USAR on 27 November 1959.

7. The applicant's name is not listed on the Korean War Casualty File.

8. The applicant provided a letter, which he wrote to his family while stationed in Korea during the Korean War, narrating certain combat experiences.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends he was hit in the left hand by a piece of shrapnel from a Chinese hand grenade on 24 July 1952 and that the medic bound it up the next morning, but it was determined that it needed stitches so sometime in the next couple of days, he was sent back to the forward aid station to get the proper attention. To be awarded the Purple Heart, the regulatory guidance requires all elements of the award criteria to be met; (1) there must be proof a wound was incurred as a result of enemy action, (2) that the wound required treatment by medical personnel, and (3) that the medical personnel made such treatment a matter of official record. The Board did not find evidence that the criteria for the Purple Heart is met in this case. The applicant's sincerity is not in question, rather it is necessary for all elements of the award criteria for the Purple Heart to be fulfilled. The Board determined award of the Purple Heart is not warranted.

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:

Except to the correction addressed in Administrative Note(s) below, 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.



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):

1. Army Regulation 600-8-22 (Military Awards) states:
 - a. The National Defense Service Medal is awarded for honorable active service for any period between 27 July 1950 and 27 July 1954.
 - b. The Republic of Korea War Service Medal is awarded to members of the U.S. Armed Forces who served in Korea and adjacent waters between 25 June 1950 and 27 July 1953.
2. These awards are not shown on the applicant's DD Form 214.

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) states the Purple Heart is awarded for a wound sustained in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify 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.

//NOTHING FOLLOWS//