

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 15 March 2024

DOCKET NUMBER: AR20230008432

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

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

- DD Form 149 (Application for Correction of Military Record)
- applicant's statement
- two witness statements

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, in effect, on 3 August 1971, he received a deep shrapnel wound to his torso, and was medically evacuated to the 95th Evacuation Hospital in Da Nang, South Vietnam. Members of the Pathfinder Platoon with whom he served believes he earned the Purple Heart and deserves it.
3. The Board will consider awarding the applicant the Army Good Conduct Medal in addition to the Purple Heart. Furthermore, the record will be administratively corrected without action by the Board to add additional awards.
4. The applicant's service record shows he enlisted in the Regular Army on 25 August 1970 and was awarded Military Occupational Specialty (MOS) 11B (Light Weapons Infantryman).
5. The applicant's DA Form 20 (Enlisted Qualification Record) shows the following:
 - a. Block 29 (Qualification in Arms) lists, in part, the Sharpshooter Marksmanship Qualification Badge with Machine Gun Bar (M-60).

b. Blocks 31 (Foreign Service) and 38 (Record of Assignments) shows the applicant received all excellent or blank conduct and efficiency ratings during the period of his service, and he was assigned to Headquarters and Headquarters Company, 101st Aviation Group, 101st Airborne Division, Vietnam from 26 April 1971 to 19 January 1972.

c. Block 40 (Wounds) does not include an entry.

d. Block 41 (Awards and Decorations) does not list the Purple Heart.

6. The applicant's DD Form 214 shows he was honorably released from active duty on 25 May 1973, due to early release to serve 1 year in an Army National Guard or U.S. Army Reserve (USAR) unit. He was credited with completing 2 years, 9 months, and 1 day of net active service, of which 8 months and 24 days were foreign service in Vietnam, and block 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- National Defense Service Medal
- Parachutist Badge
- Pathfinder Badge
- Combat Infantryman Badge
- Republic of Vietnam Campaign Medal with Device (1960)
- Vietnam Service Medal with 2 campaign stars
- Air Medal
- Bronze Star Medal
- one overseas service bar
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Expert Marksmanship Qualification Badge with Pistol Bar (.45 Caliber Pistol)
- 1st Class Marksmanship Qualification Badge with Grenade Bar (Hand Grenade)

7. The applicant's name does not appear on the Vietnam Casualty Roster.

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

9. The applicant's record does not contain evidence his commander disqualified him for award of the Army Good Conduct Medal (1st Award). He received all excellent conduct and efficiency rating. His record does not contain evidence of a court-martial conviction nor any other derogatory information that would disqualify him from the first award of the Army Good Conduct Medal.

10. The applicant provided his personal statement and two witness statements:

a. The applicant's statement indicates on August 1, 1971, while a member of the 101st Airborne Division Pathfinder Platoon, stationed at Camp Eagle, I Corps in the Republic of South Vietnam, he was informed by Lieutenant (LT) SC that he, the lieutenant, and a private first class (PFC) LAK, who had just arrived in-country would be conducting pathfinder support for an artillery battery, "night hip-shoot raid," in an area southwest of Camp Eagle.

(1) They prepared and assembled everything, on 1 and 2 August 1971. On the evening of 2 August [1971], around 8:00 PM they loaded their equipment on a Huey helicopter and departed Varsity Valley, Camp Eagle and flew to the vicinity of Hue City to link-up with an "ARVN 155mm" Artillery Battery.

(2) As soon as they arrived at the hip-shoot location, they quickly took control of the ground and air space and established an ammunition resupply point. After several hours of the raid, he and PFC LAK were outside of their Pathfinder "CP" and heard a very loud explosion from the ammunition dump area, which was near the perimeter. The ammo dump had been attacked and was exploding. Suddenly, he was knocked down. As he regained his wits and stood up, he saw that he was bleeding from the left side of his stomach due to a very large, deep, wound, about five inches long. He was worried that PFC LAK would not be able to control the firebase, because he was on his first mission, and it was a night mission. The medic, and the American advisor, a captain, ordered him to be medivacked, since his wounds were severe and already becoming infected. The location was a "hot" firing area, therefore, no landing lights were allowed. He used the radio, his pathfinder skills, and the limited use of a flashlight to talk the medivac into the landing zone.

(3) He was medivacked to China Beach, outside of Da Nang Vietnam, 95th Evacuation Hospital where his wound was treated and stitched. After 2 days at the Evacuation Hospital, his unit picked him up and he returned to Camp Eagle.

b. Mr. LAK, the PFC on duty with the applicant on 3 August 1971 states, it is imperative that the applicant be awarded the Purple Heart for wounds he sustained, on 3 August 1971 in the Republic of Vietnam. Recognition for his valiant efforts during the Vietnam War is long overdue; therefore, corrective measures must be taken. He and the applicant were members of the Pathfinder Platoon assigned to Headquarters and Headquarters Company, 101st Airborne Division between 1971 and 1972.

(1) Additionally, Mr. LAK states, on 3 August 1971, he, LT SC, and the applicant, who was a corporal at the time, made up the three-man pathfinder team assigned to facilitate the establishment of a temporary "ARVN" artillery base within the vicinity of Firebase Spear. Shortly after work began, LT SC was called back to the Pathfinder

Company, leaving him and the applicant to continue the mission. When the designated landing zone and firebase were established, the applicant left his position to move to another location on the base to fulfill other pathfinder duties. Almost immediately after the applicant's departure, he heard and witnessed a large explosion near his location. The applicant had been hit by shrapnel in the abdomen. Although he was provided triage, he had to be medevacked out to a rear area hospital to receive further medical treatment. Despite his own injuries, the applicant was more concerned about him than his own wellbeing, knowing he would be "solo" and that it was his first experience within a combat area. However, the applicant and his family were robbed of being awarded the Purple Heart, which he rightfully deserves.

(2) He respectfully requests the applicant be awarded the Purple Heart, giving him the accolades and benefits that accompany this honor, even if it is more than 50 years past due.

c. First Lieutenant (1LT) DRN (the doctor), states at the time, he and the applicant were members of the 101st Airborne Division Pathfinder Platoon, based at Camp Eagle, I Corps, in the Republic of Vietnam from 1971 to 1972.

(1) On 3 August 1971, at approximately 0100 hours enemy forces finally breached the "ARVN" defensive parameter, attacked the ammunition stockpile, and used explosives to destroy the ammunition dump. He did not know, at that time, the applicant had been wounded by the "NVA" attack but did hear the medivac was picking up a wounded pathfinder and transporting the pathfinder to the 95th Evacuation Hospital at China Beach, Da Nang, South Vietnam.

(2) He also received radio information that a now deceased Soldier had been dispatched from Camp Eagle to check on the applicant at the 95th Evacuation Hospital. The applicant was discharged from the 95th and returned to Camp Eagle with orders to seek follow-up medical attention, as needed, from the 101st Aviation Group Flight Surgeon. When he returned from the Artillery "hip-shoot" mission, the applicant was already back from the hospital and told him of his wounds.

11. The applicant's submissions were submitted to the Board in their entirety.

BOARD DISCUSSION:

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

2. The Board found the evidence showing the was medevacked to China Beach, outside of Da Nang Vietnam, to the 95th Evacuation Hospital where his wound was treated and stitched, and the statements from two service members corroborating the applicants wound and medevac sufficiently compelling, and therefore recommended granting relief.

3. The Board's review of the applicant's record failed to reveal any evidence that his commander disqualified him for award of the Army Good Conduct Medal (1st Award). Further. he received all excellent conduct and efficiency rating, there was no record of any derogatory information that would disqualify him form the first award of the Army Good Conduct Medal (1st Award) for the period 25 August 1970 through 25 May 1973.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	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 and concurs with making the corrections annotated in Administrative Note below the signature. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- a. awarding him the Purple Heart for wounds sustained as a result of hostile enemy action on 3 August 1971;
- b. awarding him the Army Good Conduct Medal (1st Award) for the period 25 August 1970 through 25 May 1973; and
- c. correcting block 24 of his DD Form 214 for period ending 25 May 1973 by deleting the Vietnam Service Medal with 2 campaign stars adding the:
 - Purple Heart
 - Army Good Conduct Medal (1st Award)
 - Sharpshooter Marksmanship Qualification Badge with Machine Gun Bar (M-60)
 - Vietnam Service Medal with 3 bronze service stars
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation

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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): correct to block 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) of the applicants DD Form 214 for the period ending 25 May 1973, by deleting the Vietnam Service Medal with 2 campaign stars, and adding the following awards:

- Sharpshooter Marksmanship Qualification Badge with Machine Gun Bar (M-60)
- Vietnam Service Medal with 3 bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

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 (AR) 600-8-22 prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

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. A bronze service star is authorized with the Vietnam Service Medal award for each Vietnam campaign a member is credited with participating in. The applicant participated in the following three campaigns, and he is authorized three bronze service stars to be worn on the Vietnam Service Medal.

- Vietnam Counteroffensive Phase VII, 1 July 1970 - 30 June 1971
- Consolidation I, 1 July 1971 - 30 November 1971
- Consolidation II, 1 December 1971 – 29 March 1972

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.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows, Department of the Army General Orders (DAGO) 6, dated 1974 awarded Headquarters and Headquarters Company, 101st Aviation Group the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the periods: 18 April 1971 - 31 August 1971; 6-19 September 1971; and 1 March 1971 - 9 October 1971.

//NOTHING FOLLOWS//