

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 March 2024

DOCKET NUMBER: AR20230008718

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 (PH).

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

- DD Form 149 (Application for Correction of Military Record), 31 May 2023
- DD Form 214, 4 February 1966
- photo of box with a typed address

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, he received his PH by mail, however he never received a DD Form 215 (Correction to DD Form 214) to show a PH was awarded to him. He applicant provided a copy of his DD Form 214 showing he completed service in Vietnam.
3. The applicant's complete military records are not available for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. It is believed that the applicant's records were lost or destroyed in that fire. However, there were sufficient documents remaining in a reconstructed record to conduct a fair and impartial review of this case. These records consist of files provided from a partial reconstructed record by the National Archives and Records Administration and/or National Personnel Records Center.
4. The applicant's records contain sufficient evidence to support an administrative correction to his DD Form 214 not requiring Board Action and will be listed in the administrative notes section.
5. The applicant's available records show:

a. On 11 December 1963, he was inducted into the Army of the United States, he completed Basic Training and he was awarded military occupational specialty 11B (Light Weapons Infantryman).

b. On 4 February 1966, he was honorably released from active duty and transferred to control of the U.S. Army Reserve Control Group (Annual Training). His DD Form 214 shows in:

(1) Item 17 (Last Duty Assignment and Major Command) – Company A, 1st Battalion, 5th Cavalry, 1st Cavalry Division, U.S. Army-Vietnam (USARV)

(2) Item 24 (Foreign and/or Sea Service) – USAV, 3 months and 2 days.

(3) Item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized): Vietnam Service Medal and Sharpshooter Badge (Rifle)

(4) Item 27 (Wounds Received as a Result of Actions With Enemy Forces) – Gun Shot Wound (GSW) Left Leg – Vietnam, 16 November 1965.

c. The applicant's available records are void of orders awarding him the PH.

6 The applicant's name is not shown on the Department of the Army Office of the Adjutant General Casualty Division Casualty Reference Name Listing for the period 1 January 1961 through 30 June 1973, a battle and non-battle listing of Soldiers who were killed, wounded, sick, captured, or missing during their service in Vietnam.

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

#### BOARD DISCUSSION:

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. Although the applicant's complete service records are not available, his DD Form 214 does show in Item 24 he completed 3 months and 2 days of foreign service in the U.S. Army Vietnam and in Item 27 (Wounds Received as a Result of Actions With Enemy Forces) – Gun Shot Wound (GSW) Left Leg – Vietnam, 16 November 1965. The Board determined that this entry qualifies him for award of the Purple Heart.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the corrections addressed in Administrative Note(s) below, 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 received as a result of hostile action in Vietnam on 16 November 1965
- adding award of the Purple Heart to his DD Form 214

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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): The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214 and should be administratively corrected without Board action to show award of the:

- National Defense Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Campaign Medal with Device (1960)

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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. 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 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 a medical officer, and the medical treatment must have been made a matter of official record. The Purple Heart differs from all other decorations in that an individual is not "recommended" for the decoration; rather, he or she is entitled to it upon meeting specific criteria. A Purple Heart is authorized for the first wound suffered under conditions indicated above; an oak leaf cluster is awarded to be worn on the medal or ribbon for each subsequent award. 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.

b. The National Defense Service Medal was established by Executive Order 10448, 22 April 1953. The National Defense Service Medal may be awarded for both active and reserve service for honorable active service for any period between (dates inclusive): 1 January 1961 and 14 August 1974 (Vietnam).

c. The Republic of Vietnam Campaign Medal with Device (1960) is awarded by the government of the Republic of Vietnam to service members of the U.S. Armed Forces and authorized by Department of Defense Manual 1348.33, Volume 3. To qualify for award personnel must meet one of the following requirements:

(1) Have served in the Republic of Vietnam for 6 months.

(2) Have served outside the geographical limits of the Republic of Vietnam and contributed direct combat support to the Republic of Vietnam and Armed Forces for 6

months. 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.

(3) Have served for less than 6 months and have been one of the following:

(a) Wounded by hostile forces.

(b) Captured by hostile forces, but later escaped, was rescued, or released.

(c) Killed in action or otherwise in line of duty.

d. The CIB is awarded to infantry or special forces officers and enlisted and warrant officer persons who have an infantry or special forces MOS. They must have served in active ground combat while assigned or attached to an infantry, ranger, or special forces unit of brigade, regimental, or smaller size. Specifically, a recipient must be personally present and under hostile fire while serving in an assigned infantry or special forces primary duty in a unit actively engaged in ground combat with the enemy. The unit in question must be a brigade, regiment, or smaller size. For example, personnel possessing an infantry MOS in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the CIB. Battle or campaign participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. Personnel with other than an infantry or special forces MOS are not eligible, regardless of the circumstances.

4. U.S. Army Vietnam (USARV) 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. Appendix V of U.S. Army Vietnam Regulation 672-5-1, then in effect, reads the CIB was awarded only to enlisted individuals who held and served in MOS 11B (Infantryman), 11C (Indirect Fire Infantryman), 11D (Armor Reconnaissance Specialist), 11F (Infantry Operations and Intelligence Specialist), 11G (Infantry Senior Sergeant), or 11H (Infantry Direct Fire Crewman).

5. Army Regulation 635-5 (Separation Documents), in effect at the time (13 August 1963), read all available records will be used as a basis for the preparation of DD Form 214A (Worksheet), including DA Form 24 (Service Record), DA Form 20 (Enlisted Qualification Record), DA Form 66 (Officer Qualification Record), and orders.

a. Item 24: Enter from item 21, DA Form 66 (Officer Qualification Record), or section 9, DA Form 20 (Enlisted Qualification Record) all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

b. Item 27. Enter chronologically each wound received during the period covered by the DD Form 214 being prepared, as the result of enemy action. Show both date and place of action if recorded on records available at time of separation. If records are not available, the terminology "No records available" will be entered. The theater of operations in which the action occurred be entered if exact location is not recorded.

//NOTHING FOLLOWS//