

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 March 2024

DOCKET NUMBER: AR20230008951

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant's Statement
- DA Form 2-1 (Personnel Qualification Record (PQR)) (1 Page 1954-1974)
- PQR (1974-1980)

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 he is seeking the Purple Heart for injuries he received to his right hand and forearm in Vietnam. The Purple Heart was offered to him as he was being medically evacuated from Vietnam to Japan. He was injured during a situation where they were taking fire in an open structure. An explosive device was shot in upon them causing debris from a fan to injure his right hand and forearm. He was treated in a field hospital and was sent to Japan for 2 months with recoupment at Fort Sill, OK, for 3 months with a follow-on assignment to Germany. He is seeking the Purple Heart for his family after serving 27 years and retiring from the military.
3. The applicant's DD Form 214 for the period ending 31 October 1980 will be administratively corrected without action by the Board to add several until awards not currently reflected.
4. The applicant's service record shows:

5. He served in the Regular Army from 27 January 1954 to 31 October 1980 and he attained the rank of command sergeant major. His DA Form 2-1 shows in:

- a. Item 5 (Oversea Service), he served in Vietnam from 5 October 1964 to 28 September 1965 and from 14 August 1969 to 1 July 1970.
- b. Item 9 (Awards, Decorations, and Campaigns): No entry indicating he was awarded the Purple Heart.
- c. Item 35 (Record of Assignments):
 - US Military Assistance Command Vietnam from 7 December 1964 to 16 October 1965
 - Headquarters and Headquarters Company, 1st Battalion 327th Infantry Vietnam from 1 September 1969 to 1 July 1970
 - 249th General Hospital Japan from 2 to 14 July 1970 (in a patient status)
- d. There are no entries indicating he sustained a wound

6. His DD Form 214 shows he was honorably retired on 31 October 1980. He completed a total of 26 years, 9 months, and 4 days of service for retirement. Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) lists the:

- Vietnam Service Medal with six service stars
- Combat Infantryman Badge
- Army Commendation Medal
- Meritorious Service Medal (2nd Award)
- Armed Forces Expeditionary Medal
- Joint Service Commendation Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Parachutist Badge
- National Defense Service Medal (2nd Award)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- four overseas service bars
- Good Conduct Medal (7th Award)
- Air Assault Badge
- Bronze Star Medal (2nd Award)
- Marksman Marksmanship Qualification Badge (Rifle M-16)
- Expert Marksmanship Qualification Badge (Rifle M-16)
- Air Crewman Badge

7. His DD Form 214 does not show he was awarded the Purple Heart.
8. The applicant's name is not listed on the Vietnam casualty roster.
9. A search 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 Military Awards Branch of the U.S. Army Human Resources Command, did not find orders for the Purple Heart pertaining to the applicant.
10. The applicant provided a statement and two DA Forms 2-1 in support of his request. The applicant's submissions were submitted to the Board in its 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 not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.
2. The Board determined there was insufficient evidence to support the applicant's request for entitlement to award of the Purple Heart, due to the lack of medical documentation showing the applicant was wounded as a result of hostile enemy action.

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:

Other than the corrections addressed in Administrative Note(s) below, the Board determined 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 otherwise insufficient as a basis for correction of the records of the individual concerned.

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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): delete the Republic of Vietnam Gallantry Cross with Palm Unit Citation from item 13 of the applicant's DD Form 214 ending 31 October 1980, and add the:

- Meritorious Unit Commendation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation (2nd Award)
- Republic of Vietnam Civil Actions Honor Medal, First Class, 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 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.

3. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) states the authority to award the Purple Heart was delegated to hospital commanders. 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 commander of the hospital rendering treatment.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows -

a. Department of the Army General Orders (DAGO) 8, 1974, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation for service in Vietnam to the following units:

(1) Headquarters, United States Military Assistance Command and its subordinate units during the period 8 February 1962 to 28 March 1973.

(2) Headquarters, United States Army Vietnam and its subordinate units during the period 20 July 1965 to 28 March 1973.

b. 1st Battalion, 327th Infantry, awarded the RVN Civil Actions Honor Medal, First Class, Unit Citation, for the period 18 March 1968 – 2 May 1970, DAGO 48, 1971

c. US Military Assistance Command, Vietnam, awarded the Meritorious Unit Commendation, for the period 1 November 1968–30 June 1970, DAGO 51, 1971.

//NOTHING FOLLOWS//