

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 April 2024

DOCKET NUMBER: AR20230009759

APPLICANT REQUESTS: in effect: update to his DD Form 214 (Report of Separation from the Armed Forces of the United States) for the period ending 31 January 1952 to show he was awarded the following awards:

- Purple Heart (PH)
- Bronze Star Medal (BSM)
- Korean Service Medal (KSM)
- Sharpshooter Qualification Marksmanship Badge
- Army Carbine Bar

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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 would like the medals he received while serving added to his DD Form 214. He received the PH, the BSM, the KSM, the Sharpshooter Badge and the Army Carbine Bar. These are awards he earned, and they should be added in his record as recognition for his service.
3. The applicant's request for the KSM is already listed on his DD Form 214, therefore, this issue will no longer be discussed in these proceedings. However, the applicant is authorized the KSM with three bronze campaign stars vice one bronze campaign star, which will be administratively corrected in the "Administrative Notes" section of this document.
4. The applicant is authorized the Sharpshooter Qualification Marksmanship Badge and the Army Carbine Bar and will be corrected in the "Administrative Notes" section of this document.

5. The applicant's service record is incomplete. However, the applicant's service record does reflect the following:

a. His DD Form 4 (Enlistment Record-United States Army) shows he enlisted in the Regular Army on 18 August 1950, for three years.

b. Casualty Report, dated 27 April 1951 shows in:

- Item 5: Battle Casualty
- Item 7 (Date of Casualty): 26 March 1951
- Item 8 (Place): Korea
- Item 14 (Company, Battery, etc.): A Company
- Item 15 (Regiment, Separate Battalion, etc.): 24th Infantry Regiment
- Item 20 (Remarks Diagnosis): Wound, missile, shrapnel, amputation left leg below knee, amputation right great toe. Wounded in Action (WIA) by enemy mortar fire

c. Clinical History, undated, reflects: 21-year-old patient was WIA in Korea on 24 March 1951 when he sustained a traumatic amputation of the left leg and gunshot wounds of the right foot.

d. His DA Form 20 (Soldiers Qualification Card) shows in:

- Item 27 (Classification in Military Specialties): Light Weapons Infantryman
- Item 28 (Remarks): Left Continental United States 8 January 1951
- Item 29 (Record Of Current Service): 9 May 1951, Medical Hospital Detachment, Letterman Army Hospital, Private First Class (PFC), Patient
- Item 32 (Qualifications in Arms): Rifle M1, Carbine, Light Machine Gun (LMG) 30 Caliber, Grenade

e. DD Form 214 for the period ending on 31 January 1952 shows he was honorably retired due to a physical disability. He served 1 year, 5 months, 13 days of net service this period. Item 26 (Foreign and/or Sea Service) reflects 3 months, 25 days of foreign service. This document also reflects in:

- Item 27 (Decorations, Medals, Badges, Commendations, Citations, and Campaigns): KSM with one bronze campaign star, but does not reflect the PH, the BSM, the Sharpshooter Qualification Marksmanship Badge, Army Carbine Bar, the Combat Infantryman Badge (CIB) or the Army Good Conduct Medal (AGCM)
- Item 28 (Most Significant Duty Assignment): Company A, 24th Infantry Regiment

- Item 29 (Wounds Received as a Result of Action With Enemy Forces): Korea, 24 March 1951
- Item 38 (Remarks): does not reflect service in Korea.

6. There is no evidence in the record and the applicant provides none (such as orders) that shows he was awarded the PH, BSM, CIB, or the AGCM.

7. The applicant is entitled to additional awards not listed on his DD Form 214, which will be administratively corrected without Board action.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive and standard review based on law, policy, and regulations. Upon review of the applicant's petition and available military records, the Board determined there was sufficient evidence to grant award of the Purple Heart. Evidence in the record shows the applicant was wounded in action on 24 March 1951, while serving in Korea. The Board determined, based on regulatory guidance, the applicant met the criteria for award of the Purple Heart. The Board found sufficient evidence to grant relief. Due to the nature of the wound sustained and the applicant's military occupational specialty being 11B (Infantryman), the Board also agreed that the applicant is entitled to award of the Combat Infantryman Badge and granted relief. Additionally, the record does not show any derogatory information and the applicant served honorably during his period of service and therefore, as a related issue, the Board granted relief to award the applicant the Army Good Conduct Medal.

2. Prior to closing the case, the Board did note the analyst of record's administrative notes below and recommended the correction is completed to more accurately depict the military service of the applicant.

3. The Board considered the applicant's request for the Bronze Star Medal; however, found no evidence to support the applicant was recommended for or approved for award of the Bronze Star Medal and based on that denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

■ ■ ■ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the administrative notes annotated by the analyst of record (below the signature), the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by awarding the following awards and subsequently amending his DD Form 214 to show the award of:

- awarding him the Purple Heart for wounds received in action in Korea on 21 March 1951
- awarding him the Combat Infantryman Badge on 21 March 1951
- awarding him the Army Good Conduct Medal (1st Award) for the period 18 August 1950 through 31 January 1952
- adding the Purple Heart, Combat Infantryman Badge, and Army Good Conduct Medal (1st Award) to his DD Form 214

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to award of the Bronze Star Medal.

[Redacted Signature]

[Redacted Name]

[Redacted Title]

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:

A review of the applicant's records shows he is authorized additional awards not listed on his DD Form 214. As a result, amend his DD Form 214 by amending:

- a. Item 27 (Awards) to show he was authorized the following awards:
 - The National Defense Service Medal (NDSM)
 - The United Nations Service Medal
 - The Sharpshooter Qualification Marksmanship Badge
 - The Army Carbine Bar
 - Korean Service Medal with three bronze campaign stars

- b. Item 38 (Remarks) to reflect: "Service in Korea 9 January 1951 to 3 May 1951."

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 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 wound is defined as an injury to any part of the body from an outside force or agent sustained under one or more of the conditions listed above. A physical lesion is not required. However, the wound for which the award is made must have required treatment, not merely examination, by a medical officer. Additionally, treatment of the wound will be documented in the Service member's medical and/or health record. Award of the Purple Heart may be made for wounds treated by a medical professional other than a medical officer, provided a medical officer includes a statement in the Service member's medical record that the extent of the wounds was such that they would have required treatment by a medical officer if one had been available to treat them.

c. When contemplating an award of the Purple Heart, the key issue that commanders must take into consideration is the degree to which the enemy caused the injury. The fact that the proposed recipient was participating in direct or indirect combat operations is a necessary prerequisite, but is not the sole justification for award.

d. The National Defense Service Medal is awarded for honorable active service for any period between 27 July 1950 and 27 July 1954, 1 January 1961 and 14 August 1974, 2 August 1990 and 30 November 1995, and 11 September 2001 and a date to be determined. Second and subsequent awards of the National Defense Service Medal are denoted by a bronze service star affixed to the National Defense Service Medal.

e. The United Nations Service Medal is awarded to members of the Armed Forces of the United States dispatched to Korea or adjacent areas on behalf of the United Nations during the period between 27 June 1950 and 27 July 1954. Personnel awarded

the Korean Service Medal automatically establish eligibility for the United Nations Service Medal.

h. The Bronze Star Medal, established by Executive Order on 4 February 1944, was awarded to any person who, while serving in any capacity in or with the I Army of the United States, on or after 7 December 1941, shall have distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy.

i. The Combat Infantryman Badge is authorized to Soldiers when the three requirements are met. The Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat. Specific requirements state that an Army enlisted Soldier must have an infantry or special forces specialty and must have satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or special forces unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat.

3. Army Regulation 672-5-1 (Awards), in effect at the time, states 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. 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. Army Regulation 635-5 (Separation Documents) in effect at the time, states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation.

5. DA Pam 672-1 (Unit Citation and Campaign Participation Credit Register) shows he was authorized three bronze campaign stars for the following campaigns:

- CCF Intervention (8 September 1950 – 2 November 1950)

- First UN Counteroffensive (25 January 1951 – 21 April 1951)
- CCF Spring Offensive (22 April 1951 – 8 July 1951)

6. 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.

//NOTHING FOLLOWS//