

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 April 2024

DOCKET NUMBER: AR20230009796

APPLICANT REQUESTS: the spouse of a deceased former service member (FSM) requests the correction of her husband's DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the Purple Heart and any other awards not currently listed.

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

- Two DD Forms 149 (Application for Correction of Military Record)
- Department of Veterans Affairs (VA) Form 21-22 (Appointment of Veterans Service Organization as Claimant's Representative)
- Marriage Certificate
- Death Certificate
- DD Form 214
- DA Form 2-1 (Personnel Qualification Record – Part II) (first page only)
- Western Union Telefax
- Casualty Message
- Standard Form (SF) 502 (Narrative Summary)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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, the FSM served in Vietnam and was awarded the Purple Heart after incurring wounds in combat; in addition, the FSM's DD Form 214 does not reflect all of his awards. In support of her request, the applicant provides the following:

a. Western Union Telefax announcing the FSM was "slightly wounded in Vietnam, on 17 December 1968, as a result of hostile action. He received a gunshot wound to the

head. He was on (a) combat operation when hit by hostile small arms fire. He was treated and (hospitalized in Vietnam)."

b. Casualty Message, dated 17 December 1968, showing the FSM incurred wounds, on 17 December 1968, and was transported for treatment to the 3rd Field Hospital. While on a reconnaissance mission, the FSM's unit encountered enemy small arms fire, and the FSM suffered a gunshot wound to his head but was not seriously injured. The FSM's unit of assignment was 2nd Battalion, 3rd Infantry Regiment, 199th Light Infantry Brigade.

c. SF 502, dated 27 December 1968, states the FSM sustained wounds after being struck by fragments from an enemy booby trap, on 17 December 1968; the medical record goes on to describe the FSM's medical examination and summarizes the FSM's treatment.

d. DD Form 214, showing, on 13 May 1968, the Army of the United States (AUS) inducted the FSM for a 2-year term of active duty; on 12 May 1970, the AUS honorably released the FSM from active duty and transferred him to the USAR. The FSM completed 2 years of net active duty service. The form additionally shows the following:

(1) Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized):

- National Defense Service Medal
- Vietnam Service Medal with two bronze service stars
- Combat Infantryman Badge
- Republic of Vietnam Campaign Medal with Device (1960)

(2) FSM served in Vietnam, from 10 October 1968 to 5 April 1969.

e. DA Form 2-1 with item 9 (Awards, Decorations, and Campaigns) listing the following:

- Army Achievement Medal (1st Award)
- Army Reserve Components Achievement Medal (4th Award)
- National Defense Service Medal with one bronze service star
- Vietnam Service Medal with two bronze service stars
- Combat Infantryman Badge
- Republic of Vietnam Campaign Medal with Device (1960)

3. The applicant's requested relief for adding unlisted awards to the FSM's DD Form 214 is supported by sufficient evidence; as a result, the correction to the FSM's DD Form 214 to show the addition of a third bronze service star to the Vietnam Service

Medal as well as two unit awards will be addressed in the "ADMINISTRATIVE NOTE(S)" section and not be further considered by the Board.

4. The FSM's complete service records are not available for review; the National Personnel Records Center could only provide documents created during the FSM's U.S. Army Reserve service. However, the extract from the FSM's service and medical records submitted by the applicant are sufficient to address her requests.

5. The Vietnam Casualty Roster identifies, by name, Soldiers who were casualties during the Vietnam War; it is commonly used to verify the entitlement to the award of the Purple Heart. The applicant is listed on this roster.

6. 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 and maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any general orders awarding the applicant neither the Purple Heart nor any personal decorations.

7. A review of the FSM's USAR service record shows, on 11 December 1988, the 300th Supply and Service Battalion awarded the FSM the Army Achievement Medal (1st Award) for meritorious achievement.

8. Army Regulation (AR) 600-8-22 (Military Awards), currently in effect, states the Army Reserve Components Achievement Medal is authorized for award to Army personnel for exemplary behavior, efficiency, and fidelity while serving as a member of an Army Reserve Troop Program Unit. Individuals must have completed 4 years of qualifying service on or after 3 March 1972 and before 28 March 1995. Beginning on 28 March 1995, the period of qualifying service for award of the Army Reserve Components Achievement Medal was reduced from 4 to 3 years; this change was not retroactive.

9. AR 635-8 (Separation Processing and Documents), currently in effect, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge; awards given after the end of the report are not reflected on the DD Form 214 unless they specifically pertain to the period covered by the report.

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 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 insufficient evidence to grant award of the Purple Heart. Evidence in the record shows the applicant was not listed on the Vietnam Casualty Roster as having been wounded by hostile forces. The Board determined, based on regulatory guidance the applicant did not meet the criteria for award of the Purple Heart. The Board found insufficient evidence to grant relief. The Board found sufficient evidence to support adding the award of the Army Good Conduct Medal and therefore agreed that partial relief was warranted in the applicant's request.

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

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 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 Purple Heart for wounds sustained on 17 December 1968
- awarding the Army Good Conduct Medal
- adding the Purple Heart and Army Good Conduct Medal 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):

1. AR 635-5 (Separation Documents), in effect at the time, stated the DD Form 214 was to list all decorations, service medals, campaign credits, and badges awarded or authorized.
2. AR 600-8-22, currently in effect, states the Vietnam Service Medal is awarded to all members of the Armed Forces of the United States based on their qualifying service in

Vietnam after 3 July 1965 through 28 March 1973. A bronze service star will be awarded for wear on the Vietnam Service Medal for the Soldier's participation in each recognized campaign; Vietnam campaigns include the following:

- Counteroffensive, Phase V (1 July 1968 to 1 November 1968)
- Counteroffensive, Phase VI (2 November 1968 to 22 February 1969)
- Tet 69/Counteroffensive (23 February 1969 to 8 June 1969)

3. Department of the Army Pamphlet (DA PAM) 672-3 (Unit Citation and Campaign Participation Credit Register) shows the following:

a. Department of the Army General Order (DAGO) Number 31, dated 1971, awarded the Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation to the 2nd Battalion, 3rd Infantry Regiment, for the period 12 December 1966 to 31 August 1970.

b. DAGO Number 8, dated 1974, awarded all units that served in Vietnam the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

4. Based on the foregoing, amend the FSM's DD Form 214, ending 12 May 1970, as follows: item 24: delete Vietnam Service Medal with two bronze service stars and add the following:

- Vietnam Service Medal with three bronze service stars
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

REFERENCES:

1. Title 10, USC, 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. AR 600-8-22 (Military Awards), currently in effect, prescribes policies and procedures for military awards.

a. Regarding the Purple Heart, the regulation states:

(1) The Purple Heart is awarded in the name of the President of the United States to any member of an Armed Force of the United States under the jurisdiction of the Secretary of the Army who, after 5 April 1917, has been wounded, killed, or who has died or may hereafter die of wounds received, under any of the following circumstances:

- In any action against an enemy of the United States
- In any action with an opposing armed force of a foreign country in which the Armed Forces of the United States are or have been engaged
- While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party
- As the result of an act of any such enemy or opposing Armed Forces
- As the result of an act of any hostile foreign force
- After 28 March 1973, as a result of military operations while serving outside the territory of the United States as part of a peacekeeping force

(2) To qualify for the Purple Heart, the wound must have been of such severity that it required treatment, not merely examination, by a medical officer.

- A medical professional is defined as a civilian physician or a physician extender; physician extenders include nurse practitioners, physician assistants, and other medical professionals qualified to provide independent treatment
- A wound is defined as an injury to any part of the body from an outside force or agent. A physical lesion is not required.
- Additionally, the wound's treatment must be documented in the Soldier's medical records

b. The Army Reserve Components Achievement Medal is authorized for award to Army personnel for exemplary behavior, efficiency, and fidelity while serving as a

member of an Army Reserve Troop Program Unit. Individuals must have completed 4 years of qualifying service on or after 3 March 1972 and before 28 March 1995. Beginning on 28 March 1995, the period of qualifying service for award of the Army Reserve Components Achievement Medal was reduced from 4 to 3 years; this change was not retroactive.

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//NOTHING FOLLOWS//