

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2024

DOCKET NUMBER: AR20230010323

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his already awarded Purple Heart and Bronze Star Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- U.S. Army Reserve Components Personnel and Administration Center (RCPAC) Letter Orders
- DD Form 256A (Honorable Discharge Certificate)
- Headquarters, 101st Airborne Division (Airmobile) General Orders

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, while serving in Vietnam, he received the Purple Heart and the Bronze Star Medal, but both awards were left off his DD Form 214.

a. The applicant came home on emergency leave and none of his paperwork followed him back to the continental United States; his past efforts to make corrections have been unsuccessful. He adds that, initially, he was assigned to the 3rd Battalion, 187th Infantry Regiment, but after one month, they placed him in the Headquarters and Headquarters Company (HHC), 3rd Brigade, 101st Airborne Division (Airmobile), and that is where he stayed for the remainder of his Vietnam tour.

b. In support of his request, the applicant submits documents from his service record, to include the General Orders (GO) awarding him the Bronze Star Medal; however, he does not provide a copy of the GO for the Purple Heart.

3. The applicant's requested relief for adding the Bronze Star Medal to his DD Form 214 is supported by sufficient evidence; as a result, this portion of the requested relief will be addressed in the "ADMINISTRATIVE NOTE(S)" section and will not be further considered by the Board.

4. A review of the applicant's service record reveals the following:

a. On 4 March 1969, the Army of the United States inducted the applicant for a 2-year term; following completion of initial entry training and the award of military occupational specialty 91A (Medic), orders assigned the applicant to Vietnam.

b. On 11 September 1969, he arrived in Vietnam and was further assigned to the 3rd Battalion, 187th Infantry Regiment, 101st Airborne Division (Airmobile). In or around October 1969, intra-theater orders transferred the applicant to the 3rd Brigade, 101st Airborne Division (Airmobile).

- In November 1969, Headquarters, 101st Airborne Division (Airmobile) awarded the applicant the Combat Medical Badge
- On 27 March 1970, Headquarters, 101st Airborne Division (Airmobile) GO awarded him the Army Commendation Medal for meritorious achievement, during the period 1 October 1969 to 28 February 1970.

c. On 3 June 1970, the applicant completed his tour in Vietnam and orders reassigned him to Fort Ord, CA.

- On 3 July 1970, Headquarters, 101st Airborne Division (Airmobile) GO awarded the applicant the Air Medal (1st Award); that same date, and in a separate GO, Headquarters, 101st Airborne Division (Airmobile) awarded the applicant the Air Medal
- On 3 July 1970, Air Medal (1st Award); that same date, and in a separate GO, Headquarters, 101st Airborne Division (Airmobile) awarded the applicant the Air Medal (2nd Award).
- On 4 August 1970, Headquarters, 101st Airborne Division (Airmobile) GO awarded the applicant the Bronze Star Medal for service from 1 October 1969 to 31 July 1970

d. On 3 March 1971, the Army honorably released the applicant from active duty and transferred him to the U.S. Army Reserve. His DD Form 214 shows he completed the required two years of AUS service. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) lists the following:

- Air Medal (1st Award)

- Army Commendation Medal (1st Award)
- National Defense Service Medal
- Army Good Conduct Medal (1st Award)
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Combat Medical Badge
- Expert Marksmanship Qualification Badge with Rifle Bar

e. The applicant's DA Form 20 (Enlisted Qualification Record) reflects the following additional information:

- Item 38 (Record of Assignments) – No entries showing the applicant was a patient at a medical facility
- Item 40 (Wounds) – None listed
- Item 41 (Awards and Decorations) – No entry reflecting the award of the Purple Heart

5. The Vietnam Casualty Roster is a listing of Vietnam-era casualties commonly used to verify the entitlement to the award of the Purple Heart. The applicant is not 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 the Purple Heart.

7. The applicant's record was void of any orders showing he was awarded the PH.

BOARD DISCUSSION:

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

a. Bronze Star Medal: Grant. General Orders awarded the applicant the Bronze Star Medal, which is not listed on his DD Form 214, which is in error. The Board determined this award should be listed.

b. Purple Heart: deny. The Board noted the applicant served in Vietnam from 11 September 1969 to 3 June 1970. He was issued multiple general orders awarding him various personal decorations but none for the Purple Heart, as there is no evidence in the record and he provides none to show he was wounded/injured as a result of hostile action, or that his injury required medical treatment, or that the medical treatment was

made part of his official record. The Board determined there is insufficient evidence to support awarding him the Purple Heart.

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:

1. 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 adding to his DD Form 214 the Bronze Star Medal.

2. he 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 the Purple Heart.

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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 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:

- Summer-Fall 1969 (9 June 1969 to 31 October 1969)
- Winter-Spring 1970 (1 November 1969 to 30 April 1970)
- Sanctuary Counteroffensive (1 May 1970 to 30 June 1970)

2. GO awarded the applicant the Air Medal (2nd Award).

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

a. DA General Order Number 48, dated 1971, awarded HHC, 3rd Brigade, 101st Airborne Division (Airmobile) the Republic of Vietnam Civil Actions Honor Medal, First Class for the period 3 October 1968 to 2 May 1970.

b. DA General Orders 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 applicant's DD Form 214, ending 31 August 1988, as follows: delete the Air Medal and the Vietnam Service Medal and add the following:

- Air Medal (2nd Award)
- 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 672-5-1, in effect at the time, prescribed policies and procedures for military awards; it stated the following:

a. The Purple Heart was awarded in the name of the President of the United States to any member of the Armed Forces or any civilian national of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after 5 April 1917, died or sustained wounds as a result of hostile action.

b. Substantiating evidence had to be provided verifying that the wound resulted from hostile action, the wound required treatment by medical personnel, and the medical treatment received had been made a matter of official record.

3. AR 15-185 (ABCMR), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//