

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 May 2024

DOCKET NUMBER: AR20230010401

APPLICANT REQUESTS: reconsideration of his previous request for award of the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- Reconsideration Personal Statement
- Bronze Star Medal Excerpt
- Mobile Army Surgical Hospital (MASH) Hospital Information
- VA Form 21-4142 (Authorization and Consent to Release Information to the Department of Veterans Affairs (VA))
- National Personnel Records Center (NPRC) Awards Document
- Photograph

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20210015907 on 20 May 2022.

2. The applicant states, in pertinent part, he was wounded in the Battle of Pork Chop Hill in April/May of 1953 and evacuated to the 8076 MASH, 7th Infantry Division, where he was examined and admitted. He had shrapnel in his scalp, near his right eye, and a possible concussion. After fully recovering, he returned to his unit, the 17th Infantry Regiment in action, and was never able to get back to the 8076 MASH to follow up on his Purple Heart paperwork General Order confirmation. He requests to officially be awarded the Purple Heart and Bronze Star updated to Valor. NPRC Letter request number 1-47970101; Bronze Star Medal please see Bronze Star excerpt in the attachment. Prior denial of his request under ABCMR Docket Number AR20210015907 response to the denial is as follows:

a. Items; a, b, DD Form 214, dated 25 August 1950 before Korea War (void-not applicable).

b. Item c is not applicable, no war.

c. Item 27 - missing wound info not applicable for entry; since the missing wound info is not in his missing DD Form 214, dated 25 August 1954 (see Attachment-1, this DD Form 149 request). All items missing wound information because he did not receive the award order number or other wound Information from the 8076 MASH upon release in 1953. He could not provide the answer for the two proving factors (enemy forces caused wound or wound severity/treatment by medical officer. Please see attachment - 8076 MASH war-condition-impact extra information).

d. He also believes his VA record will show his wounds received in combat at the Battle of Pork Chop Hill along with treatment for injuries to his ruptured eardrum, hearing damage, tinnitus, vertigo, and auditory acuity.

3. A review of the applicant's available service record reflects the following:

a. On 3 July 1948, the applicant enlisted in the Regular Army.

b. DD Form 214 (Report of Separation from the Armed Forces of the United States), ending on 25 August 1950, shows the applicant was honorably released from active duty. Item 27 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) is void of an entry.

c. On 6 October 1954, the applicant enlisted in the Regular Army.

d. DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending on 30 August 1957, shows the applicant was honorably discharged from active duty.

(1) Item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) shows the Marksman Marksmanship Qualification Badge with Rifle Bar (Carbine).

(2) Item 27 (Wounds Received as a Result of Action with Enemy Forces) is void of an entry.

e. On 18 September 1957, the applicant enlisted in the Regular Army.

f. DD Form 214, ending on 6 November 1961, shows the applicant was honorably discharged from active duty by reason of expiration term of service.

(1) Item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) is void of an entry.

(2) Item 27 (Wounds Received as a Result of Action with Enemy Forces) is void of an entry.

g. On 7 November 1961, the applicant reenlisted in the Regular Army.

h. DA Form 20 (Enlisted Qualification Record) shows in:

(1) Item 31 (Foreign Service) – service in:

- Germany from October 1950 to October 1952
- Korea from December 1952 to September 1953
- Germany from January 1956 to July 1957
- Thailand from October 1963 to November 1964
- Hawaii from 6 August 1965 to 5 August 1968

(2) Item 40 (Wounds) is void of an entry

(3) Item 41 (Awards and Decorations) –

- Army Good Conduct Medal (3rd Award)
- National Defense Service Medal with one bronze service star
- Vietnam Service Medal
- Combat Infantryman Badge
- Basic Missileman Qualification Bar
- Expert Missile Badge
- Korean Service Medal
- Bronze Star Medal
- Army of Occupation Medal (Germany)
- Army Commendation Medal

i. On 12 August 1968, DA Form 199 (Physical Evaluation Board (PEB) Proceedings) shows the applicant was recommended for permanent disability retirement with a rating of 60 percent for impairment of auditory acuity. Item 17 (remarks and Continuations) shows the applicant would complete 20 years of service on 31 August 1968.

j. DA Form 1361 (Recommended Findings of PEB), dated 21 August 1968, shows the applicant was found unfit for military service and recommended for permanent disability retirement at 60 percent. His disability was not as a direct result of armed

conflict nor caused by an instrumentality of war. He concurred with the findings and waived a formal hearing.

k. DA Form 199, dated 13 September 1968, shows the applicant was recommended for permanent disability retirement at 50 percent for impairment of auditory acuity and labyrinthitis, left, chronic with tinnitus and occasional dizziness.

l. DA Form 1361, dated 13 September 1968, shows the applicant was found unfit for military service and recommended for permanent disability retirement at 50 percent. His disability was not a direct result of armed conflict nor caused by an instrumentality of war. He concurred with the findings and waived a formal hearing.

m. DD Form 214, ending on 8 October 1968, shows the applicant was permanently retired by reason of physical disability. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) –

- Army Commendation Medal
- Army Good Conduct Medal bronze clasp with three loops

n. On 13 August 1974, a DD Form 215 (Correction to DD Form 214, Report of Separation from Active Duty), for the period ending 8 October 1968, was issued which added the Vietnam Service Medal.

o. The applicant's name is not listed on the Korean War casualty file roster.

p. ABCMR Docket Number AR20210015907 decided on 20 May 2022, wherein the applicant requested award of the Purple Heart. The Board determined that relief was not warranted as the applicant's contentions, the military record, and regulatory guidance did not show evidence he was entitled to the Purple Heart.

4. The applicant provides the following:

a. Bronze Star Medal Excerpt showing his actions during the Battle at Pork Chop Hill.

b. MASH Hospital Information wherein the applicant explains the chaotic circumstances to which the medical facilities were organized in support of his missing documentation for sustained injuries.

c. VA Form 21-4142 showing his previous hospitalizations:

- 5 April 1953, 7th Medical Battalion, 7th Infantry Division, MASH – Injury left knee, eye

- 1954, 1957, and 1960 -Walter Reed Army Medical Center – Injury – hearing
- 9 July 1962 – Great Lakes Navy Hospital – Injury – hearing
- 20 September 1962 – VA Hospital, Chicago, IL – Injury – hearing aid
- 8 October 1968 – Walter Reed Army Medical Center – Physical – retirement
- 1 September 1998 – VA Hospital, Martinsburg, WV – Illness abdominal

d. NPRC Awards Document previously considered on ABCMR Docket Number AR20210015907.

e. Photograph of a Soldier on active duty.

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 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 regulation. Upon review of the applicant's petition and available military records, the Board determined there is insufficient evidence that shows the applicant received wounds caused by enemy forces that required treatment by medical personnel. The burden of proof rest on the applicant and the applicant provided no new evidence to support his claim for award of the Purple Heart. The Board agreed there was insufficient evidence that showed the applicant's name on the casualty listing or notification to his family that he had been wounded. There is no medical record showing the applicant received wounds caused by enemy forces that required treatment by medical personnel.

2. Per the regulatory guidance on awarding the Purple Heart, the applicant must provide or have in his service records substantiating evidence to verify that he was injured, 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. The Board determined the applicant record is absent sufficient evidence to reverse the previous Board determination. As such, the Board denied relief.

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:

Except for the correction addressed in Administrative Note(s) below, the Board found 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 insufficient as a basis to amend the decision of the ABCMR set forth in Docket Number AR20210015907 on 20 May 2022.

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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 NOTES:

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 for the period ending 8 October 1968, by adding the following awards:

- Army Good Conduct Medal (3rd Award)
- National Defense Service Medal with one bronze service star
- Vietnam Service Medal
- Combat Infantryman Badge

- Basic Missileman Qualification Bar
- Expert Missile Badge
- Korean Service Medal
- Bronze Star Medal
- Army of Occupation Medal (Germany)
- Army Commendation Medal

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DA Form 20 (Enlisted Qualification Record)

3. Please correct the applicant's DD Form 214 by adding the awards shown in paragraph 1 above. Provide the applicant a copy of the correction, and as applicable the medals. Please ensure that the correction is recorded in the applicant's official military personnel record.

REFERENCE:

Army Regulation (AR) 600-8-22 (Military Awards) provides that 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. When contemplating eligibility for the Purple Heart, the two critical factors commanders must consider is the degree to which the enemy or hostile force caused the wound and whether the wound was so severe that it required treatment by a medical officer.

//NOTHING FOLLOWS//