

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 November 2024

DOCKET NUMBER: AR20230011310

APPLICANT REQUESTS: correction of his record to show he was awarded the Bronze Star Medal and the Purple Heart Medal and that these awards should be added to his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214

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 missing the award of the Bronze Service Star and the Purple Heart Medal on his DD Form 214. He was awarded these medals for his service in Vietnam.
3. The applicant's record shows the following documentation:
  - a. On 26 February 1969, he was inducted into the Army of the United States.
  - b. DA Form 20 (Enlisted Qualification Record) contains the following information:
    - Item 22 (Military Occupational Specialties): 11B40, Light Weapon Infantryman
    - Item 31 (Foreign Service): 25 July 1969 through 24 July 1970 - U.S. Army Pacific - Vietnam (USARPAC)
    - Item 38 (Record of Assignments): he was assigned to the following units while on active duty -

- Headquarters and Headquarters Company, 2nd Battalion (AMBL), 327th Infantry, USARPAC from 13 August 1960 to 26 August 1969
  - Company C, 2nd Battalion (AMBL) 327<sup>th</sup> Infantry, USARPAC from 27 August 1969 to 16 April 1970
  - Bravo Company, 3<sup>rd</sup> Battalion (AMBL) 506<sup>th</sup> USARPAC from 17 April 1970 to 1 November 1970
- Item 40 (Wounds): “FW: Both Lips”
  - Item 41 (Awards and Decorations): does not list the award of the Purple Heart or the Bronze Service Medal

c. The applicant's service record contains medical records, dated 10 May 1970, and a Clinical Record Cover Sheet, which states, “Wound, penetrating, fragment; to upper lip with retained metallic fragment, no artery or nerve damage” no purple heart awarded at this facility”.

d. He was honorably released from active duty and transferred to the U.S. Army Reserve on 25 February 1971. His DD Form 214 shows in:

- Item 22c (Foreign and/or Sea Service): U.S. Army Republic of Vietnam, 1 year
- Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): does not list the Bronze Service Medal or the Purple Heart
- Item 30 (Remarks): “VN SERVICE: 25 JUL 69 – 24 JUL 70”

4. There are no documents or orders in the applicant's record that show he was awarded the Purple Heart or a Bronze Service Medal.

5. The applicant's name does appear on the Vietnam casualty roster as sustaining an injury as a result of hostile action.

6. A review of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), an index of general orders issued during the Vietnam era, maintained by the U.S. Army Human Resources Command, failed to reveal any orders that show the applicant was awarded the Purple Heart or the Bronze Service Medal.

7. His record indicates he is entitled to additional awards that are not shown on his DD Form 214.

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 regulation. Upon review of the applicant's petition and available military records, the Board determined there is sufficient evidence to show the applicant was wounded while in Vietnam. The Board found the applicant is listed on the Casualty Roster as being wounded by hostile forces on 10 May 1970. Evidence shows the applicant was evaluated by a medical professional immediately following the interaction. The Board determined, based on regulatory guidance the applicant met the criteria for award of the Purple Heart.

2. However, the Board determined the applicant's record is void of and he provided insufficient documentation to indicate that his chain of command approved or that the applicant was ever awarded the requested Bronze Star Medal. The Board agreed that regulatory guidelines stipulate that approval through the chain of command, and announcement in orders are required for award of all personal decorations and formal recommendations. This board is not an investigative body. The Board determined despite the absence within the applicant's records, they agreed the burden of proof rest on the applicant, however, he did not provide any sufficient documentation, and his service record has insufficient evidence to support the contentions for award of the bronze star. Therefore, the Board granted partial relief to award the Purple Heart.

3. 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
XX	XXX	XXX	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 amending his DD Form 214 for the period ending 25 February 1971 to show award of the Purple Heart.

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.

[REDACTED]

[REDACTED]

[REDACTED]

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): Add the following awards to item 24 of his DD Form 214:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- 3 bronze service stars to his already awarded Vietnam Service Medal
- Republic of Vietnam Civil Actions Honor Medal First Class

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.

(1) 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 PH 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.

(2) When contemplating an award of the PH, 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.

(3) Examples of enemy-related injuries that clearly justify award of the PH include concussion injuries caused as a result of enemy-generated explosions resulting in a mTBI or concussion severe enough to cause either loss of consciousness or restriction from full duty due to persistent signs, symptoms, or clinical finding, or impaired brain function for a period greater than 48 hours from the time of the concussive incident.

(4) Examples of injuries or wounds that clearly do not justify award of the PH include post-traumatic stress disorders, hearing loss and tinnitus, mTBI or concussions that do not either result in loss of consciousness or restriction from full duty for a period greater than 48 hours due to persistent signs, symptoms, or physical finding of impaired brain function.

b. The Bronze Service Medal is awarded to any person who, while serving in any capacity in or with the Armed Forces of the United States, or a friendly foreign nation, after 6 December 1941, 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; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a

belligerent party. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

c. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign.

- Vietnam Winter - Spring 1970 (1 November 1969 - 30 April 1970)
- DA Sanctuary Counteroffensive (1 May - 30 June 1970)
- Vietnam Counteroffense, Phase VII (1 July 1970 – 30 June 1971)

3. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam. This pamphlet shows the 327<sup>th</sup> Infantry was cited for the Republic of Vietnam Civil Actions Honor Medal, First Class for the period of 18 March 1968 to 2 May 1970 by the Department of the Army General Order (DAGO) Number 48, 1971.

4. DAGO Number 8, dated 1974, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam and its subordinate units during the period 20 July 1965 to 28 March 1973.

5. AR 635-5 (Separation Documents) 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. Personnel officers will prepare and authenticate DD Form 214WS (Worksheet) prior to forwarding records to the transfer facility. All available records will be used as a basis for the preparation of DD Form 214WS, including DA Form 20 (Enlisted Qualification Record), DA Form 66 (Officer Qualification Record), and orders.

//NOTHING FOLLOWS//