

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 May 2024

DOCKET NUMBER: AR20230011409

APPLICANT REQUESTS:

- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Purple Heart (PH)
- a video/telephonic appearance before the Board

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

DD Form 149 (Application for Correction of Military Record), 3 July 2023.

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:
 - a. He was awarded the PH for injuries while he was attached to 19th Engineer Battalion in Vietnam. When he was in the hospital recovering a letter was sent notifying his parents he was injured and pending award of the PH.
 - b. He is missing a complete record of his honorable service and the benefits that should be associated with the honor of the PH.
3. The Board will also consider, as a separate issue, award of the Army Good Conduct Medal (First Award) for the period 27 September 1966 to 26 September 1968.
4. A review of the applicant's service records shows:
 - a. On 27 September 1966, he was inducted into the Army of the United States.
 - b. On 2 April 1967 he deployed to Vietnam.

c. His records contain:

(1) A Western Union Telefax, dated 27 October 1967, showing a message was sent to his parents notifying them he was slightly wounded in Vietnam on 26 October 1967 as a result of hostile action. His wounds consisted of facial bruises and scratches while on a mine sweeper after a mine detonated approximately 6 to 10 feet in front of the mine sweeper. He was treated and returned to duty.

(2) A Headquarters, Department of the Army message, dated 27 October 1967, showing he received facial bruises and minor scratches as the result of hostile action when he was on a mine sweeping mission and a mine detonated in front of the mine sweeper. His wound was the result of hostile action.

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

(1) item 31 (Foreign Service) – 25 April 1967 to 20 April 1968;

(2) item 33 (Appointments and Reductions) – no reductions;

(3) item 38 (Record of Assignments) – he received "excellent" conduct and efficiency ratings with the exception of one "good" conduct and efficiency rating while he was assigned to 19th Engineer Battalion between 25 August 1967 to 17 April 1968;

(4) item 40 (Wounds) – no entries;

(5) item 41 (Awards and Decorations) – he was awarded or authorized:

- National Defense Service Medal
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)

(6) item 44 (Lost Time Under section 972, Title 10, United States Code, and Subsequent to Normal Date Expiration of Term of Service) – no entries.

d. On 26 September 1968, he was honorably released from active duty and transferred to control of the U.S. Army Reserve Control Group (Annual Training). His DD Form 214 shows in:

(1) item 22a(1) (Net Service This Period) – 2 years;

(2) item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – he was awarded or authorized:

- Vietnam Service Medal with three bronze service stars
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
- Republic of Vietnam Campaign Medal with Device (1960)
- National Defense Service Medal

(3) item 26a (Non-Pay Periods Time Lost (Preceding Two Years)) – none; and

(4) item 30 (Remarks) – in part, no record of time lost or court-marital convictions.

e. His records are void of general orders awarding him the PH or the Army Good Conduct Medal (First Award).

5. A check of the Vietnam Casualty Roster shows the applicant's name is listed on the Department of the Army Office of the Adjutant General Casualty Division Casualty Reference Name Listing for the period 1 January 1961 through 30 June 1973, a battle and non-battle listing of Soldiers who were killed, wounded, sick, captured, or missing during their service in Vietnam. The entries under his name and service number confirm the date of casualty as 26 October 1967 and the major attributing cause code 'H' as the result of hostile enemy action in Vietnam.

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 maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for the Purple Heart.

7. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period 27 September 1966 through 26 September 1968.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.

2. The Board found the evidence confirms the applicant incurred wounds that met the criteria for the Purple Heart. The Board determined he should be awarded the Purple Heart and it should be added to his DD Form 214.

3. The Board further found the applicant met the criteria for the Army Good Conduct Medal. The Board determined he should be awarded this medal and it should be added to his DD Form 214.

4. The Board concurred with the corrections described in Administrative Note(s) below.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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:

- Awarding him the Purple Heart for wounds incurred as a result of hostile action on 26 October 1967
- Awarding him the Army Good Conduct Medal (1st Award) for the period 27 September 1966 through 26 September 1968
- Adding the Purple Heart and Army Good Conduct Medal (1st Award) to his DD Form 214
- Making the corrections described in Administrative Note(s) below

9/24/2024

X

CHAIRPERSON

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):

The applicant's DD Form 214 is missing two entries. Amend his DD Form 214 as follows:

- Add to item 24: Republic of Vietnam Gallantry Cross with Palm Unit Citation and four bronze service stars with the Vietnam Service Medal
- Add to item 30: "Vietnam Service: 25 April 1967 to 20 April 1968."

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 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.

a. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. 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. A Purple Heart is authorized for the first wound suffered under conditions indicated above; an oak leaf cluster is awarded to be worn on the medal or

ribbon for each subsequent award. Not more than one award will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent.

b. The Army Good Conduct Medal is awarded to on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) 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; (4) for the first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5) for the first award only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of the Army Good Conduct Medal as indicated in the Soldier's record: willingly complied with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

c. The Vietnam Service Medal was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which it participated in combat or was under orders in the combat zone and served at a normal post of duty.

4. U.S. Army Vietnam (USARV) Regulation 672-5-1 (Decorations and Awards), prescribed policies, responsibilities, and criteria for awards in order to insure prompt and proper recognition of individuals. The regulation stated:

a. The Purple Heart may be awarded to U.S. personnel who are wounded or killed in action as a direct result of enemy action.

b. A wound for which the award is made must have required treatment by a medical officer and records of medical treatment for wounds or injuries received must have been made a matter of official record.

c. Authority to award the Purple Heart was delegated to hospital commanders. Further, it directed that all personnel treated and released within 24 hours would be awarded the Purple Heart by the organization to which the individual was assigned. Personnel requiring hospitalization in excess of 24 hours or evacuation from Vietnam would be awarded the Purple Heart directly by the hospital commander rendering treatment.

5. Army Regulation 672-5-1 (Decorations and Awards), in effect at the time, stated the Army Good Conduct Medal (AGCM) was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for the 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. Service school efficiency ratings based upon academic proficiency of at least "good" rendered subsequent to 22 November 1955 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.

6. Army Regulation 635-5 (Separation Documents), Effective 1 February 1967, prescribed the separation documents that would be furnished each individual who was separated from the Army including Active Duty Training personnel and established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, DA Form 66, and orders.

a. In item 24, enter from item 21, DA Form 66 (Officer Qualification Record), or section 9, DA Form 20 (Enlisted Qualification Record) all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

b. In item 30, enter inclusive dates of service in Vietnam during current period of service.

7. DA PAM 672-3 (Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)) shows the applicant completed service in Vietnam during the following campaigns:

- Vietnam Counteroffensive, Phase II, 1 July 1966 – 1 May 1967
- Vietnam Counteroffensive, Phase III, 1 June 1967 – 29 January 1968
- TET Counteroffensive, 30 January 1968 – 1 April 1968
- Vietnam Counteroffensive, Phase IV, 2 April 1968 – 30 June 1968

8. Department of the Army General Orders Number 8, 19 March 1974, confirmed 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.

//NOTHING FOLLOWS//