

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 June 2024

DOCKET NUMBER: AR20230011470

APPLICANT REQUESTS: Correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 6 August 1971 and his DD Form 214 (Report of Separation from Active Duty) for the period ending 21 January 1971 by adding the Purple Heart (PH) and Combat Infantryman Badge (CIB).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, dated 21 January 1977
- DD Form 214, dated 6 August 1971
- DA Form 1577 (Authorization for Issuance of Awards)

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 was awarded the Purple Heart pinned on his pillow by the Commanding General of the 101st Airborne Division (Airmobile) due to wounds sustained while deployed near the A Chau Valley in Vietnam. He was evacuated to the hospital ship U.S.S. Sanctuary; however, he did not receive the certificate and permanent order awarding the Purple Heart. He further states he did not receive his certificate awarding the Combat Infantryman Badge for combat operations in Vietnam.
3. The applicant provided a DA Form 1577, dated 26 December 1972, which shows the Purple Heart was authorized for issuance. The document does not contain a permanent order number for the award of the Purple Heart.
4. A review of the applicant's service record shows:

a. He was inducted into the Army of the United States on 7 August 1969. After completing initial entry training, he was awarded military occupational specialty 11B (Light Weapons Infantryman).

b. He served in Vietnam from 13 January 1970 to 30 May 1970. His DA Form 20 (Enlisted Qualification Record) shows in:

- item 35 (Record of Assignments):
 - 28 January 1970, Rifleman, D Company, 2nd Battalion, 506th Infantry Regiment
 - 30 May 1970, Patient/Casual, 249th General Hospital, Japan, U.S. Army Pacific (USARPAC)
 - 26 June 1970, Casual, Enroute to Continental U.S. (CONUS)
 - 26 June 1970, Patient, Medical Holding Company, Fort Campbell, Ky
- item 40 (Wounds): fragment wound – right thigh and left ear, 11 May 1970

c. A Standard Form 502 (Clinical Record – Narrative Summary), 7 July 1972, Naval Hospital, Millington, TN, states on 11 May 1970, the applicant was hit by an AK 47 in his right thigh, which was debrided and closed in Vietnam. It got infected and had to be reopened. He was then evacuated by air to the continental United States (CONUS) for further medical care. Once in CONUS, he was treated, then placed on two weeks of convalescent leave.

d. The applicant was honorably released from active duty on 6 August 1971. His DD Form 214 for this period of service shows he completed 2 years of active service with no lost time. He was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal with 2 bronze service stars
- Republic of Vietnam Campaign Medal
- Expert Badge with Rifle Bar
- Expert Badge with Machine Gun Bar (M-60)
- Marksman Badge with Pistol Bar

e. His name is shown on the Vietnam casualty roster, a compilation of most of those who were wounded in Vietnam, which is used to verify eligibility for the Purple Heart. He is shown as having been wounded as a result of hostile action on 11 May 1970.

f. A review of the Awards and Decorations Computer Assisted Retrieval System maintained by the U.S. Army Human Resources Command, which is an index of general orders issued during the Vietnam era between 1965 and 1973, failed to reveal

any orders for the Purple Heart or Combat Infantryman Badge pertaining to the applicant.

g. The applicant again enlisted in the Regular Army on 22 January 1973. He served in Korea from 9 November 1974 to on or about 8 November 1975.

h. The applicant was honorably discharged from active duty on 21 January 1977. His DD Form 214 for this period of service shows he completed 4 years of active service with no lost time. He was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal with 2 bronze service stars
- Republic of Vietnam Campaign Medal
- Vietnam Cross of Gallantry with Palm
- Expert Infantryman Badge
- Good Conduct Medal
- Expert Badge with Rifle Bar, M-16

5. A review of the applicant's record confirms he is eligible for an award that are not recorded on both of his DD Form 214's dated, 6 August 1971 and 21 January 1977. This award will be added to his DD Form 214's as administrative corrections and will not be considered by the Board.

6. By regulation, the Purple Heart is awarded for a wound/injury 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 medical personnel; and the medical treatment must have been made a matter of official record.

7. By regulation, the Combat Infantryman Badge is awarded to Soldier's who have met the following three requirements:

- Be an infantry Soldier satisfactorily performing infantry duties
- Be assigned to an infantry unit during such time as the unit is engaged in active ground combat
- Actively participate in such ground combat. Campaign or battle credit alone is not sufficient for award of the CIB

BOARD DISCUSSION:

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

a. Purple Heart: Grant. The evidence shows the applicant suffered a fragment wound – right thigh and left ear, on 11 May 1970, as shown on his DA Form 20. He underwent treatment in Vietnam and was transferred to the 249th General Hospital in Japan. He was later evacuated to the Naval Hospital in Millington, TN, for further medical care. The Standard Form 502 (Clinical Record – Narrative Summary), dated 7 July 1972, shows he was hit by an AK 47 in his right thigh, which was debrided and closed in Vietnam. His name is shown on the Vietnam casualty roster, which is a compilation of most of those who were wounded in Vietnam and is used to verify eligibility for the Purple Heart. He is shown as having been wounded as a result of hostile action on 11 May 1970. Therefore, the Board determined there is sufficient evidence to show he qualified for award of the Purple Heart.

b. Combat Infantryman Badge: Grant. The applicant held an infantry MOS and was assigned to an infantry unit in Vietnam (D Company, 2nd Battalion, 506th Infantry Regiment) when he was wounded on 11 May 1970. Although the circumstances of his injury are unclear from the available evidence, the Board presumed he was wounded while he and his unit were actively engaged with the enemy. Therefore, the Board determined there is sufficient evidence to show he qualified for award of the Combat Infantryman Badge.

c. Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation: Grant. DA Pamphlet 672-3 shows the 2nd Battalion, 506th Infantry, was awarded the Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation for service in Vietnam from 3 October 1968 to 2 May 1970 by authority of DA General Orders Number 48, dated 1971.

d. When a Soldier has two or more DD Forms 214, the Board's business practice is to update the last DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	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 the applicant the Purple Heart for wounds received in action in Vietnam on 11 May 1970
- awarding the applicant the Combat Infantryman Badge on 11 May 1970
- adding to the applicant's DD Form 214 for the period ending 21 January 1977 the Purple Heart, Combat Infantryman Badge and Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation:

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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.

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) provides Army policy, criteria, and administrative instructions concerning individual military decorations.

a. The Purple Heart is awarded in the name of the President of the United States to any member of an Armed Force 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, has been wounded or killed, or who has died or may hereafter die after, being wounded:

- 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 U.S. are or have been engaged
- While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party.
- As the result of an act of any such enemy of opposing Armed Forces
- As the result of an act of any hostile foreign force

b. The Combat Infantryman Badge is awarded to a Soldier if they met the following three requirements:

- Be an infantry Soldier satisfactorily performing infantry duties
- Be assigned to an infantry unit during such time as the unit is engaged in active ground combat
- Actively participate in such ground combat. Campaign or battle credit alone is not sufficient for award of the CIB

4. Department of the Army Pamphlet 672-3 (Unit Citations and campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict. Department of the Army General Order Number 48, dated 1971, awarded 2nd Battalion, 506th Infantry the Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation for service in Vietnam from 3 October 1968 to 2 May 1970.

//NOTHING FOLLOWS//