

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 June 2024

DOCKET NUMBER: AR20230011681

APPLICANT REQUESTS: in effect, correction of his records to reflect all awards and decoration, including awards of the:

- Purple Heart
- Army Commendation Medal

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:  
DD Form 149 (Application for Correction of Military Record).

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 would like all his awards reflected in his record.
3. A review of the applicant's service record shows:
  - a. On 28 October 1966, he was inducted into the Army of the United States.
  - b. He served in Vietnam from 8 August 1967 to 31 July 1968. He was assigned to:
    - Company B, 589th Engineer Battalion from 13 August 1967 22 October 1967
    - Company B, 84th Engineer Battalion from 23 October 1967 to 31 July 1968
  - c. His DA Form 20 (Enlisted Qualification Record) shows in:
    - item 38 (Record of Assignments): he received excellent conduct and efficiency ratings throughout his service
    - item 40 (Wounds): no entry

d. On 23 March 1968, a Western Union telefax notification of the applicant's wounds as a result of hostile actions was sent to his spouse and parents. The notification indicated the applicant had been slightly wounded in Vietnam on 15 March 1968 as a result of hostile action. He received metal fragment wounds to the face while on job site when he fired his weapon into a firing range and struck a hostile booby trap.

e. On 5 August 1968, he was honorably released from active duty and transferred to the U.S. Army Reserve to complete his remaining service obligation. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he completed 1 year, 9 months, and 9 days of active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Expert Badge
- Marksman Badge

4. His record contains a letter from NPRC to the applicant, dated 24 May 2004, which notified the applicant of his entitlement to the following awards:

- Purple Heart
- Army Commendation Medal
- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Ribbon with Device (1960)
- Expert Badge with Rifle Bar
- Marksman Badge with Auto Rifle Bar

5. 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, failed to reveal any orders for the Army Commendation Medal or Purple Heart pertaining to the applicant.

6. A review of the Adjutant General's Office Casualty Division's Vietnam Casualty Listing reflects the applicant's standard name line as having been wounded in action, not serious (hospital) on 15 March 1968.

7. A review of his records does not reveal any derogatory information, such as lost time or conviction by court-martial, that would have disqualified him from receiving the Army Good Conduct Medal (1st Award).

8. By regulation:

a. The criteria for the award of the Purple Heart requires the submission of substantiating evidence to verify the injury/wound was the result of hostile action or as a result of "friendly fire" in the heat of battle when the "friendly fire" was intended to damage or destroy enemy troops or equipment. The injury/wound must have required treatment by medical personnel, and the medical treatment must have been made a matter of official record.

b. The Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

#### BOARD DISCUSSION:

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

a. Purple Heart: Deny. The evidence shows the applicant received metal fragment wounds to the face while on job site when he fired his weapon into a firing range and struck a hostile booby trap on 23 March 1968. This injury does not qualify for award of the Purple Heart. The criteria for the award of the Purple Heart requires the submission of substantiating evidence to verify the injury/wound was the result of hostile action or as a result of "friendly fire" in the heat of battle when the "friendly fire" was intended to damage or destroy enemy troops or equipment. The injury/wound must have required treatment by medical personnel, and the medical treatment must have been made a matter of official record.

b. Army Commendation Medal: Deny. Award of the Army Commendation Medal requires a formal recommendation, approval through the chain of command, and announcement in orders. The Board did not find, and the applicant did not provide the orders that show he was awarded the Army Commendation Medal.

c. Army Good Conduct Medal: Grant. The applicant served on active duty from 27 October 1966 to 5 August 1988, completing 1 year, 9 months and 9 days of active service. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. The Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF

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:            :            :            GRANT FORMAL HEARING

:            :            :            DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the correction addressed in Administrative Note(s) below, 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:

- Awarding the applicant the Army Good Conduct Medal for service during the period 27 October 1966 through 5 August 1988
- Adding awards of the Army Good Conduct (1st Award) to his DD Form 214

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 the Purple Heart and Army Commendation Medal.

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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:

A review of the applicant's service records reflects additional awards not annotated on his DD Form 214. As a result, please amend his DD Form 214 by:

- adding four bronze service stars to his previously awarded Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation (DAGO 8, 1974)

#### 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 (AR) 600-8-22 (Military Awards) states:

a. The Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service.

b. 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. When wounded more than once on the same day, add the following: 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. Army Regulation 600-8-22 also states that when contemplating an award of the Purple Heart the key issue commanders must take into consideration is the degree to which the enemy caused the injury.

c. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

- Each 3 years completed on or after 27 August 1940
- For first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946
- For first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year

- For 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
- For first award only, for those individuals who died before completing 1 year of active Federal service if the death occurred in the line of duty

//NOTHING FOLLOWS//