

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 June 2024

DOCKET NUMBER: AR20230011707

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of:

- Air Medal (2nd Award)
- Purple Heart (2nd Award)

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

- DD Form 149 (Application for Correction of Military Record)
- Air Medal Citation, February-May 1968
- Two Air Medal Certificates, February-May 1968 and 25 August 1968 and 8 October 1968
- General Orders Number 11278, 25 August 1968
- General Orders Number 2929, 4 May 1969
- Photograph of Medals
- 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 his Air Medal with numeral two and Purple Heart (2nd Award) are not listed on his DD Form 214.
3. On 13 September 1967, he was inducted into the Army of the United States.
4. His DA Form 20 (Enlisted Qualification Record) shows in:
 - a. Item 31 (Foreign Service) – 25 February 1968 to 17 February 1969, Vietnam.
 - b. Item 38 (Record of Assignments) –

- Company B, 1st Aviation, 1st Cavalry Aviation, Vietnam, from 6 May 1968 to 31 May 1968
- Headquarters and Headquarters Company, 3rd Brigade, 1st Cavalry Division (AM), Vietnam, from 1 June 1968 to 16 June 1968

c. Item 40 (Wounds) – FM to head, 3 May 1968.

d. Item 41 (Awards and Decorations) –

- National Defense Service Medal
- two overseas bars
- Vietnam Service Medal
- Combat Infantryman Badge
- Republic of Vietnam Campaign Medal with Device (1960)
- Purple Heart
- Air Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-60)

5. On 12 September 1969, he was honorably released from active duty. His DD Form 214 shows he completed 2 years of active service. His DD Form 214 also shows:

a. He was awarded or authorized the National Defense Service Medal, Combat Infantryman Badge, Vietnam Campaign Medal with 60 Device, Vietnam Service Medal with one bronze service star, Purple Heart, and the Bronze Star Medal.

b. Item 30 (Remarks) – does not show his service in Vietnam.

6. The applicant provides:

a. General Orders Number 2929, dated 4 May 1968, issued by the Headquarters, 1st Air Cavalry Division (Airmobile), which shows his award of the Purple Heart for wounds received in connection with military operations against a hostile force Republic of Vietnam for the period February to May 1968.

b. A certificate which shows award of the Air Medal for meritorious achievement while participating in aerial flight for the period February to May 1968, dated 25 August 1968.

c. General Orders Number 11278, dated 25 August 1968, issued by the Headquarters, 1st Air Cavalry Division, which shows his award of the Air Medal for

meritorious achievement while participating in aerial flight in the Republic of Vietnam for the period February to May 1968.

d. A certificate which shows award of the Air Medal for meritorious achievement while participating in aerial flight for the period February to May 1968, dated 8 October 1968.

e. A photograph of two medals.

7. A DD Form 215 (Correction to DD Form 214) issued on 4 April 2017, which shows in item 24:

a. Delete: Vietnam Service Medal with bronze service star.

b. Add: Air Medal, Army Good Conduct Medal, Vietnam Service Medal with one silver star, Republic of Vietnam Gallantry Cross Unit Citation with Palm Device, Republic of Vietnam Civil Actions Honor Medal Unit Citation, First Class.

8. The Vietnam Casualty Roster shows the applicant's name 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 3 May 1968, and the major attributing cause code 'H' as the result of hostile enemy action in Vietnam.

9. 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 (2nd Award) or Air Medal Numeral two pertaining to the applicant.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board found no evidence indicating orders were published announcing a second award of the Air Medal or Purple Heart to the applicant. In the absence of such evidence, the Board determined there is no basis for adding a second award of the Air Medal or Purple Heart to his DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

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 for correction of the records of the individual concerned.

12/9/2024

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.

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 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 Air Medal is awarded in time of war for heroism and for meritorious achievement or service while participating in aerial flight. This award is primarily intended for personnel on flying status but may also be awarded to those personnel whose combat duties require them to fly; for example, personnel in the attack elements of units involved in air-land assaults against an armed enemy. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

c. The qualification badge is awarded to indicate the degree – Expert, Sharpshooter, and Marksman -- in which an individual has qualified in a prescribed record course. An appropriate bar is furnished to denote each weapon with which the individual has qualified.

3. 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.

4. Army Regulation 635-5 (Separation Documents), 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, 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.

//NOTHING FOLLOWS//