

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 June 2024

DOCKET NUMBER: AR20230011764

APPLICANT REQUESTS: correction of his record to show entitlement to the Purple Heart and correction of DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Purple Heart. Additionally, he requests to personally appear before the Board by telephone or video.

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 his tracked vehicle struck a land mine near Quang Tri Vietnam. He was thrown from the "TC" hatch and broke three ribs and had a severe ringing in his right ear, which he still experiences. He was assigned to the "5th Mech Division."
3. The applicant's record contains sufficient evidence to administratively correct the applicant's DD Form 214, without action by the Board, to add or the following awards:
 - Vietnam Service Medal with four bronze service stars
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
 - Republic of Vietnam Civil Actions Honor Medal, First Class
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60)
4. The applicant was inducted into the Army of the United States on 25 March 1969. He held military occupational specialty 11B (Light Weapons Infantryman).

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

a. Item 29 (Qualification in Arms) shows the following qualifications:

- Rifle (M-14) - Marksman, 7 May 1969
- Machine Gun (M-60) - Expert, 18 June 1969
- Rifle (M-16) - Marksman, 19 June 1969

b. Item 31 (Foreign Service): Vietnam from 2 September 1969 to 1 September 1970.

c. Item 38 (Record of Assignments) while in Vietnam he was assigned to the following units:

- Company B, 1st Battalion, 11th Infantry Regiment, 1st Brigade, 5th Infantry Division (M) from 2 to 11 September 1969
- Company C, 1st Battalion, 61st Infantry Regiment, 1st Brigade, 5th Infantry Division (M) from 12 September 1969 to 11 May 1970
- Company D, 75th Support Battalion, 1st Brigade, 5th Infantry Division (M) from 12 May 1970 to approximately 18 September 1970

d. he received all excellent conduct and efficiency ratings.

e. Item 40 (Wounds) contains no annotations.

f. Item 41 (Awards and Decorations) the Marksman Marksmanship Qualification Badge was awarded in Special Orders 127, on 7 May 1969, by the United States Army Training Center.

6. There is no entry on the DA Form 20 for the Purple Heart nor are there orders available for the Purple Heart.

7. He was honorably released and transferred to the United States Army Reserve on 24 March 1971. He completed 2 years of active service. His DD Form 214 does not list the Purple Heart, but it does list the following awards:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Combat Infantryman Badge
- Army Commendation Medal
- Bronze Star Medal

8. The applicant's name is not listed on the RVN Casualty Roster.
9. A review by HRC 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 Awards and Decorations Branch of HRC, failed to reveal any orders awarding the applicant the Purple Heart.

BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.
2. 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. In order to be awarded the Purple Heart, there must be proof a wound was incurred as a result of enemy action, that the wound required treatment by medical personnel, and that the medical personnel made such treatment a matter of official record. In order to determine such eligibility, medical documentation describing both diagnosis and treatment of injuries caused by the enemy immediately after, or close to the incident date and signed or endorsed by a medical professional, are required. The Board did not find evidence/documentation to support award of the Purple Heart.
 - b. As a related award, although not specifically requested by the applicant, the Board considered awarding him the Army Good Conduct Medal. The applicant served on active duty from 25 March 1969 to 24 March 1971, completing 2 years of active service. His DA Form 20 shows he received "excellent" conduct and efficiency rating throughout his term of active duty, and there is no derogatory information in his service record. The Board determined he meets the criteria for award of the Army Good Conduct Medal (1st Award).

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : 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 25 March 1969 through 24 March 1971
- 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 award of the Purple Heart.

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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(S): A review of the applicant's record found evidence sufficient to amend his DD Form 214 for the period ending 24 March 1971 by deleting the Vietnam Service Medal and adding the:

- Vietnam Service Medal with four bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal, First Class
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60)

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), paragraph 2-11, states applicants do not have a right to a formal hearing before the ABCMR. The Director of the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 600-8-22 provides, in pertinent part, for award of:

a. A bronze service star, based on qualifying service, for each campaign listed in Appendix B of this regulation and states that authorized bronze service stars will be worn on the appropriate service medal. He is entitled to four bronze service stars to be worn on the Vietnam Service Medal. The applicant served during the following four campaigns:

- Vietnam Summer - Fall 1969, 9 June - 31 October 1969
- Vietnam Winter - Spring 1970, 1 November 1969 - 30 April 1970
- Sanctuary Counteroffensive, 1 May - 30 June 1970
- Vietnam Counteroffensive Phase VII, 1 July 1970 - 30 June 1971

b. Army Regulation 600-8-22, currently in effect, provides that the Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency and fidelity during a qualifying period of active duty enlisted service. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of Federal military service. Although there is no automatic

entitlement to the Good Conduct Medal, disqualification must be justified. Current practice requires that the commander provide written notice of nonfavorable consideration and permits the individual to respond.

4. Army Regulation 672-5-1 (Awards), in effect at the time, stated the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service 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; 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.

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the unit awards received by units serving in Vietnam. This shows:

a. Company C, 1st Battalion, 61st Infantry Regiment, 1st Brigade, 5th Infantry Division (M) from 12 September 1969 to 11 May 1970. 1st Battalion, 61st Infantry Regiment was also awarded the:

- Valorous Unit Award for the period 11–15 November 1969, DAGO 52, 1974
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation for the period 30 & 31 October 1970, DAGO 24, 1972

b. Department of the Army General Orders (DAGO) 8, 1974, announced award of the RVN Gallantry Cross Unit Citation with Palm for service in Vietnam to the following units:

(1) Headquarters, United States Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973.

(2) Headquarters, United States Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//