

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 July 2024

DOCKET NUMBER: AR20230012347

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.

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

- two DD Forms 149 (Application for Correction of Military Record)
- letter, Veterans of Foreign Wars (VFW)
- Purple Heart Certificate
- DD Form 214
- NGB Form 22 (Report of Separation and Record of Service)
- notarized Military, Service Data, Screen [shot] from the Department of Veterans Affairs

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 for wounds received in action on 23 February 1971. He would like his DD Form 214 corrected to reflect the Purple Heart and all authorized awards so that his headstone will accurately reflect his decorations and make the burial process easier for his spouse.
3. On 18 July 1969, the applicant enlisted in the Regular Army. He held military occupational specialty 11F (Infantry Operations and Intel Specialist).
4. The applicant's DA Form 20 (Enlisted Qualification Record) shows he received all excellent conduct and efficiency ratings and:
 - a. Item 29 (Qualification in Arms) shows the following weapons qualifications:

- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14), 24 (illegible month) 1969
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16), 24 April 1970
- Sharpshooter Marksmanship Qualification Badge with Machine Gun Bar (M-60), 9 (illegible month) 1969

b. Item 31 (Foreign Service) shows he arrived in Vietnam from 26 June 1970. His DD Form 214 shows he served in Vietnam from 26 June 1970 to 30 March 1971. During this period, he participated in the below 2 campaigns:

- DA Sanctuary Counteroffensive, 1 May 1970 - 30 June 1970
- Vietnam Counteroffensive, Phase VII, 1 July 1970 - 30 June 1971

c. Item 38 (Record of assignment shows, he received all excellent conduct and efficiencies, and during the period of his service in Vietnam, he was assigned to the following units:

- 11 July 1970 to 21 October 1970 - Company C, 2nd Battalion, 8th Infantry Regiment, 4th Infantry Division, Vietnam
- 22 October 1970 to 2 November 1970 – enroute to 17th Aviation Group
- 3 November 1970 to 19 March 1971 - C Troop, 7th Squadron, 17th Cavalry Regiment, Vietnam

d. Item 40 (Wounds) is blank.

e. Item 41 (Awards and Decorations) lists the Purple Heart among his other awards. Additionally, this entry notes he received this award at a field hospital.

5. He was honorably discharged on 30 March 1971. He completed 1 year, 8 months, and 13 days of net service this period. His DD Form 214 shows he served in Vietnam from 26 June 1970 to 30 March 1971 and lists his awards as the following awards:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Combat Infantryman Badge

6. The applicant's name is not listed on the Vietnam Casualty Roster.

7. A review by Human Resources Command (HRC) of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), 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 orders awarding the applicant the Purple Heart.

8. The applicant's name is not listed on the Vietnam Casualty Roster.
9. The applicant received all excellent conduct and efficiency ratings during the period of his service. There is no evidence of any lost time, non-judicial punishment, conviction, a letter of disqualification from his commander, or any other evidence that would disqualify him from award of the Army Good Conduct Medal (1st Award).
10. The applicant provided, in part:
 - a. Letter, Veterans of Foreign Wars requesting correction of his DD Form 214 to show award of the Purple Heart.
 - b. Purple Heart Certificate for wounds received in action on 23 February 1971, the certificate is authenticated by "James K. Aton, Lieutenant Colonel, Medical Corps, Acting Commander." The certificate does not contain an order number.
 - c. Notarized Military, Service Data, Screen [shot], dated 5 July 2023 confirming his Purple Heart award status.

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. Although the applicant does not provide, and his records do not contain orders awarding him the Purple Heart; his DA Form 20 contain an entry for the Purple Heart given at a field hospital. Additionally, he provides a certificate that shows award of the Purple Heart for wounds received in action on 23 February 1971, signed by a Medical Corps Lieutenant Colonel, as the Acting Commander. The Board determined there is enough evidence to show he was awarded the Purple Heart and it should be listed on his DD Form 214.
- b. As a related award, although not specifically requested by the applicant, the Board noted that the applicant served continuously on active duty from 18 July 1969 to 30 March 1971, completing 1 year, 8 months, and 13 days. 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
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the correction addressed in Administrative Note(s) below, 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 Army Good Conduct Medal (1st Award) for service during the period 18 July 1969 through 30 March 1971
- adding to his DD Form 214 the Purple Hear and Army Good Conduct Medal (1st Award)

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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 sufficient evidence to amend his DD Form 214 ending 30 March 1971, by deleting the Vietnam Service Medal, and adding the:

- Vietnam Service Medal with two bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation (2nd Award)
- Valorous Unit Award
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter 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 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 two bronze service stars to be worn on the Vietnam Service Medal. He served during the following two campaigns:

- Sanctuary Counteroffensive, 1 May - 30 June 1970
- Counteroffensive Phase VII, 1 July 1970 - 30 June 1971

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. The 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 is 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.

3. 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.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows/states:

a. The following two campaigns occurred during the period of the applicant's service in Vietnam from 26 June 1970 to 30 March 1971. During this period, he participated in the below 2 campaigns:

- DA Sanctuary Counteroffensive, 1 May 1970 - 30 June 1970
- Vietnam Counteroffensive, Phase VII, 1 July 1970 - 30 June 1971

b. 2nd Battalion, 8th Infantry Regiment, 4th Infantry Division, Vietnam was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 29 July 1969 through 17 November 1970, by department of the Army General Orders (DAGO) Number 52, dated 1971.

c. C Troop, 7th Squadron, 17th Cavalry Regiment, Vietnam was awarded the Valorous Unit Award for the period 8 February 1971 to 24 March 1971, by DAGO number 24, dated 1975.

d. Troop, 7th Squadron, 17th Cavalry Regiment, Vietnam was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation, for the period 8 February 1971 to 8 April 1971, by DAGO Number 5, dated 1973

e. Not more than one Republic of Vietnam Gallantry Cross Unit Citation will be worn by any individual. Although multiple awards of this unit citation are not authorized for wear, official military and historical records will indicate all awards received. However,

in the case of duplicate awards covering the same period of time only one award will be recorded in official military and historical records.

//NOTHING FOLLOWS//