

IN THE CASE OF: ██████████

BOARD DATE: 6 June 2024

DOCKET NUMBER: AR20230012508

APPLICANT REQUESTS: Award of the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- A personal statement
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)

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 received a shrapnel wound to his neck while driving an M151 truck in Vietnam. The wound was treated in the field, and he did not receive any additional treatment and he does not have any medical records of the treatment in the field. He can still remember the fire fight, getting hit, and what the piece of shrapnel looked like when it was removed.
3. A review of the applicant's service record shows he was inducted into Army of the United States on 26 January 1967 for 2 years. He completed training with award of military occupational specialty 71M (Chaplain's Assistant). The highest grade he held was E-4.
4. The applicant served in Vietnam with Headquarters and Headquarters Company, 1st Battalion, 25th Infantry Division, from 3 April 1968 through 29 December 1968.
5. Block 39 (Campaigns) and block 40 (Wounds) on his DA Form 20 are blank. Block 41 (Decoration, Medals, Badges, Citations, and Campaign Ribbons) lists his

awards as the National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal, and the Expert Qualification Badge with Grenade Bar.

6. The applicant was released from active duty and transferred to the U.S. Army Reserve Control Group (Annual Training) on 29 December 1968 in the grade of E-4. His DD Form 214 does not list the Purple Heart among his awards.

7. The available record does not include any service medical records or copies of any orders for any awards or decorations.

8. A review of the Vietnam Casualty List failed to locate any reference 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 in the available service records indicating the applicant was wounded as a result of hostile action. In the absence of such evidence, the Board determined his entitlement to the Purple Heart cannot be confirmed at this time.

3. The Board concurred with the corrections described in Administrative Note(s) below.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF

:            :            :            GRANT PARTIAL RELIEF

:            :            :            GRANT FORMAL HEARING

■            ■            ■            DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Other than the corrections addressed in Administrative Note(s) below, the Board determined 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 otherwise insufficient as a basis for correction of the records of the individual concerned.

11/1/2024

X

[Redacted Signature]

CHAIRPERSON

[Redacted Name]

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 shows his DD Form 214, for the period ending 29 December 1968 is missing entries that do not require Board action. As a result, amend the DD Form 214 by adding the following awards:

- three bronze service stars with the Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

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) states 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.

//NOTHING FOLLOWS//