

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 July 2024

DOCKET NUMBER: AR20230012547

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)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
- Department of Veterans Affairs (VA) Rating Decision, dated 26 August 2022

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 wounded in Vietnam in 1967. All medical proof is with his VA medical records. He was awarded a 10% disability rating by the VA on 9 November 2021 for his neck shrapnel wound.

3. The applicant was inducted into the Army of the United States on 23 May 1966. His DA Form 20 (Enlisted Qualification Record) shows in:

- item 31 (Foreign Service), he served in Vietnam from 12 December 1966 to 7 December 1967
- item 38 (Record of Assignments), during his service in Vietnam, he was assigned to the:
 - 3rd Battalion, 39th Infantry from 12 December 1966 to 3 August 1967
 - 3rd Battalion, 47th Infantry from 4 August to 2 December 1967
- item 38, he received "excellent" conduct and efficiency ratings through most of his active service; his ratings for the period 11 January-22 May 1968 are unknown

- item 40 (Wounds), no entries indicating he sustained any wounds
4. The applicant's records contain a Standard Form 600 (Chronological Record of Medical Care) showing he sustained shrapnel wounds to his back, neck, and upper left arm on 3 June 1967. The circumstances surrounding these injuries were not recorded on the SF 600.
 5. General orders issued by Headquarters, 9th Infantry Division on 11 October 1967, awarded the applicant the Air Medal for actions during the period 17 January-20 July 1967.
 6. A search 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 Military Awards Branch of the U.S. Army Human Resources Command, did not find orders for the Purple Heart pertaining to the applicant.
 7. The Adjutant General's Office Vietnam casualty roster does not show the applicant's name.
 8. The applicant's record is void of unfavorable information or a unit commander's disqualification that would have precluded him from being recommended for or awarded the Army Good Conduct Medal.
 9. The applicant's DD Form 214 shows he was honorably released from active duty on 22 May 1968, in the rank/grade of specialist 4/E-4, after completing 2 years of active service. His DD Form 214 also shows he was awarded or authorized the:
 - National Defense Service Medal
 - Combat Infantryman Badge
 - Vietnam Service Medal with [one] bronze service star
 - Vietnam Campaign Medal with Device 1960
 10. The applicant provided a VA rating decision showing he was granted service-connected disability compensation for various conditions that include residuals of neck shrapnel wound.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. One potential outcome discussed was to grant relief based upon the SF 600 within the applicant's record showing a shrapnel wound in the applicant's back, neck and upper left arm. However, based upon the lack of circumstances related to the shrapnel wounds and the lack of any information within the standard locations concerning awarding the Purple Heart, the Board concluded there was insufficient evidence of an error or injustice warranting adding the Purple Heart to the applicant's record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. 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.
2. Prior to closing the case, the Board noted the administrative notes below from the analyst of record and recommended those changes be completed to more accurately reflect the military service of the applicant.

1/7/2025

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.

ADMINISTRATIVE NOTE(S): administratively correct block 24 of the applicant's DD Form 214 by deleting the Vietnam Service Medal with bronze service star and adding the:

- Air Medal
- Vietnam Service Medal with two bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation (2nd award)
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation (2nd award)

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:

a. The Purple Heart is awarded for wounds 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.

b. A bronze service star is authorized with the Vietnam Service Medal for each Vietnam campaign a member is credited with participating. Appendix B of this regulation shows that during the applicant's service in Vietnam, participation credit was awarded for the following two campaigns:

- Vietnam Counteroffensive Phase II (1 July 1966 to 31 May 1967)
- Vietnam Counteroffensive Phase III (1 June 1967 to 29 January 1968)

3. Army Regulation 672-5-1 (Awards), in effect at the time, states the Army Good Conduct Medal was awarded for each three 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 three years but more than one 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. 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) lists the awards received by units serving in Vietnam. This pamphlet shows that during the applicant's assignment to the 3rd Battalion, 39th Infantry, this unit was cited for the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 1 December 1966 to 30 June 1968 and for the Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation for the period 19 December 1966 to 28 June 1969.

5. Department of the Army Pamphlet 672-3 also shows that during the applicant's assignment to the 3rd Battalion, 47th Infantry, this unit was cited for the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 1 December 1966 to 30 June 1968 and for the 28 February 1971 and for the Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation for the period 19 December 1966 to 28 June 1969.

//NOTHING FOLLOWS//