

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 June 2024

DOCKET NUMBER: AR20230012572

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)
- Statement
- Notification of QTC Medical Appointment, 14 May 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 wishes to be considered for award of the Purple Heart due to scars with underlying soft tissue damage, left lower extremity, anterior leg (claimed as due to shrapnel), service-connected, incurred in combat during World War II; and scars, lower extremity, anterior leg claimed as due to shrapnel, service-connected.
3. The applicant provides a statement in which his wife's cousin states he was a member of the 101st Airborne Division and on O-Day, he parachuted in behind enemy lines. He also fought in the Battle of the Bulge and was in Batstone when it was surrounded by German forces. It was here that he was hit in his right leg by shrapnel from an exploding mortar round. He was able to make his way to an aid station where he attempted to get medical help. The doctor inside did not help him; instead, he stated that the doctor told him to "Get out I have men dying in here." He stated he had to leave, and he had to remove eight pieces of shrapnel from his right leg and bandage it up himself. The eight scars are visible today. They brought him to the VA in Orlando FL where they agreed with his account of what happened to his leg. He was sent to see Dr. [name] on 06/07/2022 to determine if he was eligible for VA disability compensation and other benefits, Dr. [name] agreed that the scars on his leg were consistent with being caused by shrapnel. This is all they have because there are no written reports from the aid station that he went to. He (the author) is sure that he is not the only person that this

happened to during the war. She is hoping that this Board can right a mistake that is 80 years in the making. She only has his account, and he is long overdue his Purple Heart.

4. The applicant's military records are not available to the Board for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. It is believed that his records were lost or destroyed in that fire. However, there were sufficient documents remaining in a reconstructed record for the Board to conduct a fair and impartial review of this case.

5. The applicant's WD AGO Form 53-55 (Enlisted Record and Report of Separation-Honorable Service) shows:

a. He was inducted into the Army of the United States on 28 June 1943 and entered active duty on 13 July 1943.

b. At the time of separation, he held military occupational specialty 641, Field Lineman, and he was assigned to Headquarters and Headquarters Company, 501st Parachute Infantry Regiment.

c. He departed the continental United States (CONUS) on or about 10 March 1945 and arrived in the European Theater of Operations (ETO) on 22 March 1945. He departed the ETO on 29 December 1945 and arrived back in CONUS on 3 June 1946

d. He completed 1 year, 8 months, and 21 days of continental service and 9 months and 24 days of foreign service. He was honorably separated on 28 January 1946.

e. Item 31 (Military Qualifications and Date) shows he was awarded a Combat Infantryman Badge, Marksman Badge with Rifle bar, and Sharpshooter Badge with Carbine Bar.

f. Item 32 (Battles and Campaigns) he participated in the Central Europe campaign.

g. Item 33 (Decorations and Citations) he was awarded the Netherland Orange Lanyard, Good Conduct Medal, World War II Victory Medal, American Theater Campaign Medal, European-African-Middle Eastern Campaign Ribbon, and Belgian Fourragere.

h. Item 34 (Wounds Received in Action) "None"

6. There is no evidence in the available records which conclusively shows the applicant sustained wounds or injuries as a result of hostile action, or that he was treated by medical personnel for those wounds or injuries, and/or that this treatment was made a matter of official record.

7. By regulation (AR 600-8-22), the criteria for an award of the Purple Heart requires the submission of substantiating evidence to verify that the injury/wound was the result of hostile action, the injury/wound must have required treatment by medical personnel, and the medical treatment must have been made a matter of official record.

8. By regulation (AR 600-8-22) the Bronze Star Medal is awarded to members of the armed forces who, after 6 December 1941 and prior to 3 September 1945, have been cited in orders or in a formal certificate for meritorious or exemplary conduct in ground combat against the armed enemy. A citation in orders for the Combat Infantryman Badge awarded in the field during the period of actual combat against the armed enemy is considered as a citation for exemplary conduct in ground combat.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Purple Heart: Deny. 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 applicant does not provide evidence that meets the criteria for award of the Purple Heart.

b. Bronze Star Medal: Grant. The applicant was awarded a Combat Infantryman Badge. By regulation, he is authorized a conversion award - the Bronze Star Medal based on his award of the badge.

c. The applicant participated in one campaign during his service in World War II. Therefore, he is eligible for a bronze service star to be affixed to his already awarded European-African-Middle Eastern Campaign Medal (Ribbon).

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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 Bronze Star Medal for service from 22 March 1945 to 29 December 1945
- Adding to his WD AGO Form 53-55 the Bronze Star Medal and a bronze service star to be affixed to his already awarded European-African-Middle Eastern Campaign Medal (Ribbon).

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.

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) provides that 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 that the wound was the result of hostile action, the wound must have required treatment, and the medical treatment must have been made a matter of official record. Examples of enemy-related injuries which clearly justify award of the Purple Heart are as follows: injury caused by enemy bullet, shrapnel, or other projectile created by enemy action; injury caused by enemy placed mine or trap; injury caused by enemy released chemical, biological, or nuclear agent; injury caused by vehicle or aircraft accident resulting from enemy fire; and/or concussion injuries caused as a result of enemy generated explosions.
3. Army Regulation 600-8-22 states the Bronze Star Medal is awarded to members of the armed forces who, after 6 December 1941 and prior to 3 September 1945, have been cited in orders or in a formal certificate for meritorious or exemplary conduct in ground combat against the armed enemy. A citation in orders for the Combat Infantryman Badge or Combat Medical Badge awarded in the field during the period of actual combat against the armed enemy is considered as a citation for exemplary conduct in ground combat.

//NOTHING FOLLOWS//