

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 June 2024

DOCKET NUMBER: AR20230012720

APPLICANT, ON BEHALF OF THE FORMER SERVICE MEMBER (FSM) REQUESTS:

Correction of the SM's DD Form 214 (Report of Separation from the Armed Forces of the United States), ending 30 October 1953, to reflect award of the Purple Heart and the Prisoner of War Medal. A personal appearance before the Board via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, ending 30 October 1953
- National Personnel Records Center (NPRC) Letter
- Birth Certificate
- Death Certificate
- Newspaper Articles
- Medical Records

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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, in pertinent part, the SM was awarded the Purple Heart after he was wounded from combat with the enemy on 27 April 1951 in Chorwon, North Korea, and the Prisoner of War Medal after being captured from 1951 until his release in 1953. He was awarded the Prisoner of War Medal by Brigadier General D- M- at Nelis Air Force Base in September 2000. However, due to the fire at the NPRC, the two awards are not reflected in his history on his DD Form 214. The FSM's record should be accurate as he deserves his full recognition for the Post-Traumatic Stress Disorder, he suffered which caused significant impact to his family. Additionally, his widow would receive medical care with the Veteran's Affairs with his status corrected to reflect his Prisoner of War recognition.

3. A review of the SM's available service record reflects the following:

a. On 10 February 1949, he enlisted in the Regular Army.

b. The Service Record document reflects the following:

(1) Section 6 (Original Assignment and Organizations to Which Subsequently Assigned During this Period of Service) shows Company H, 5th Infantry Regiment and 8040th Station Hospital (14 March 1951 to 22 May 1951).

(2) Section 7 (Combat Record) shows campaigns in Korea from 3 May 1950 to on or about 30 August 1953.

(3) Section 8 (Wounds Received Through Enemy Action) shows gun shot wound upper left arm on 22 April 1951.

c. WD AGO Form 0365 (Battle Casualty Report), dated 21 February 1951 shows the SM was taken to the Tokyo Army Hospital for a gunshot wound occurring on 7 February 1951.

d. WD AGO Form 0365, dated 7 April 1951 shows the SM was released from the Tokyo Army Hospital and returned to duty from previous hospitalization occurring on 1 March 1951.

e. WD AGO Form 0365, dated 27 May 1951 shows the SM was reported Missing in Action (MIA) in Korea since 23 April 1951.

f. WD AGO Form 0365, dated 18 December 1951 shows the FSM was included on the list of prisoners held by enemy forces. The list was provided by the enemy and was not verified and there was no assurance to its accuracy.

g. On 28 February 1952, General Headquarters, Far East Command issued a Memorandum, Subject: Roster on MIA Personnel verifying that the FSM appeared on the Prisoner of War enemy list from 18 December 1951 as MIA since 23 April 1951.

h. On 15 June 1953, Headquarters, United States Army Forces, Far East issued a Memorandum, Subject: Promotion Pursuant to Department of the Army General Order Number 39, dated 1 May 1953, promoting the SM to the rank of private first class (PFC), effective 1 May 1953, with a retroactive date of rank of 23 May 1951.

i. On 17 June 1953:

(1) Letter Orders awarded the SM the Purple Heart for wounds incurred in action on 19 March 1951 in Korea.

(2) WD AGO Form 0657 (Authorization for Issuance of Awards) shows the SM was authorized the award of the Purple Heart.

(3) The Office of the Adjutant General Decorations and Awards Unit, Washington, D.C., Record of Award of Decoration was issued shows he was awarded the Purple Heart by the Department of the Army Letter Orders for injuries received in action on 19 March 1951.

j. WD AGO Form 0365, dated 28 August 1953 shows the SM was returned to military control and would be returned to the United States.

k. DD Form 214, ending 30 October 1953 reflects an honorable discharge for expiration term of service with service from 10 February 1949 to 30 October 1953 for a net active service this period of 4 years, 8 months, and 21 days.

(1) Item 26 (Foreign and or Sea Service) shows 4 years, 2 months, and 9 days.

(2) Item 27 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows:

- National Defense Service Medal
- Korean Service Medal with 2 silver service stars
- Combat Infantryman Badge (1st Award)
- United Nations Service Medal

(3) Item 28 (Most Significant Duty Assignment) shows Company H, 5th Infantry Regiment.

(4) Item 29 (Wounds Received as a Result of Action with Enemy Forces) shows gunshot wound to upper left arm on 27 April 1951, Chorwon, North Korea.

l. DD Form 2510 (Prisoner of War (POW) Medal Application/Information), dated 13 September 1988 shows he applied for recognition and award of the Prisoner of War Medal.

m. DA Form 1577 (Authorization of Issuance of Awards), dated 23 November 1988 shows the FSM was authorized and issued the award of the Prisoner of War Medal.

n. The Military Personnel Record Registry shows the SM as a prisoner of war from 23 April 1951 to 28 August 1953, Registry Number K2304128083.

o. The Office of the Surgeon General, Hospital Admission Cards Created for the

year 1953 shows the SM was admitted to a military hospital in Korea on 28 August 1953 for the following medical issues:

- Bronchitis
- Ascariasis (roundworm infection of the intestines that spreads through hand to mouth contact with contaminated soil)
- Deflection of nasal septum
- Contusion

p. The SM's records are void of orders awarding him the Prisoner of War Medal.

4. The applicant provides the following:

a. NPRC Letter notifying the applicant that some of the FSM's records may be unavailable due to the fire on 12 July 1973 which destroyed a major portion of Army military records for the period from 1912 to 1959. From the available records they were able to provide documents for the following awards:

- National Defense Service Medal
- Korean Service Medal with 2 silver service stars
- Combat Infantryman Badge (1st Award)
- United Nations Service Medal

b. Birth Certificate showing the applicant's relation to the SM as his daughter and authorizing her to advocate on his behalf.

c. Death Certificate showing the SM passed away on 2 November 2005.

d. Newspaper Articles showing the SM was recognized and awarded the Prisoner of War Medal for his service in Korea.

e. Medical Records showing his treatment for wounds and injuries caused during his deployment to Korea and as a prisoner of war.

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 relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The SM was awarded the Purple Heart by letter orders for wounds incurred in action on 19 March 1951 in Korea. This award is not shown on his DD Form 214.

b. The SM served in Korea with was Company H, 5th Infantry Regiment. He was held in a POW status from 23 April 1951 to 28 August 1953. Therefore, he is eligible for award of the POW Medal as well as correction of his DD Form 214 to show the medal and his POW status.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

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 adding to his DD Form 214:

- Block 27: Purple Heart and POW Medal
- Block 32: Prisoner of War, from 23 April 1951 to 28 August 1953; Company H, 5th Infantry Regiment. He was held in a POW status

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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, USC, 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 (AR) 600-8-22 (Military Awards), Paragraph 2-9 Prisoner of War Medal:

a. Authorized for any person who, while serving in any capacity with the U.S. Armed Forces, was taken prisoner and held captive after 5 April 1917.

b. The Prisoner of War Medal is to be issued only to those U.S. military personnel and other personnel granted creditable U.S. military service, who were taken prisoner and held captive—

(1) While engaged in an action against an enemy of the United States.

(2) While engaged in military operations involving conflict with an opposing foreign force.

(3) While serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(4) For purposes of this medal, past armed conflicts are defined as World War I, World War II, Korean War, Vietnam Conflict, Grenada, Panama, Southwest Asia (SWA) Conflict, Somalia, and Iraq.

(5) The Prisoner of War Medal may be awarded posthumously.

(6) This medal is classified as a personal service medal; as such, no orders are issued to announce its approval.

3. Special Regulation 615-360-45 (Preparation of Separation Forms) in effect at the time contain instructions for the completion of DD Form 214 (Report of Separation from the Armed Forces of the United States), which has been adopted for use with the separation certificate in lieu of the present Enlisted Record and Report of Separation (WD AGO Form 53-series). Item 27; enter decorations or citations and authority for each. Authorities for service medals need not be entered.

4. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//