

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 July 2024

DOCKET NUMBER: AR20230012812

APPLICANT REQUESTS:

- award of the Purple Heart
- replacement medals

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

- DD Form 293 (Application for the Review of Discharge)
- 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 was offered a Purple Heart and he refused. He had a piece of shrapnel in the back of his hand. He hopes it is noted in his medical report.
3. As a related item, the Board may also consider the applicant for award of the Army Good Conduct Medal for the period 14 July 1967 through 6 June 1969.
4. A review of the applicant's service records show:
 - a. On 14 July 1967, the applicant was inducted into the Army of the United States, and he was awarded the military occupational specialty 13A (Field Artillery).
 - b. His DA Form 20 (Enlisted Qualification Record) shows in:
 - (1) item 31 (Foreign Service): service in Vietnam from 16 December 1967 to 13 December 1968 (five campaigns).

(2) item 38 (Record of Assignments): A Battery, 3rd Battalion, 13th Artillery, 25th Infantry Division, Vietnam, from 26 December 1967 to 11 December 1968 in the duty of Cannoneer, and he received "excellent" conduct and efficiency ratings.

(3) item 40 (Wounds): no entry.

(4) item 41 (Awards and Decorations):

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Two overseas bars
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

c. On 6 June 1969, he was honorably released from active duty. His DD Form 214 shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal with two bronze service stars
- Republic of Vietnam Campaign Medal with Device (1960)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar

d. Block 30 lists administrative entries but not his service in Vietnam.

e. His records are void of orders showing his entitlement to the Purple Heart.

f. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for the Purple Heart pertaining to the applicant.

g. The applicant's name is not shown on the Department of the Army Office of the Adjutant General Casualty Division Casualty Reference Name Listing for the period 1 January 1961 through 30 June 1973, a battle and non-battle listing of Soldiers who were killed, wounded, sick, captured, or missing during their service in Vietnam.

h. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period 14 July 1967 through 6 June 1969.

5. The ABCMR corrects records; the Board does not issue medals or badges. Any questions or concerns regarding replacement medals and badges should be referred to

the appropriate agency. Requests for the issuance or replacement of military service medals, decorations, awards, badges, and corresponding accouterments should be directed to the National Personnel Records Center who will verify the awards to which a veteran is entitled and forward the request with the verification to the appropriate service department for issuance of the medals. Written requests with appropriate supporting evidence may be addressed to the National Personnel Records Center, 1 Archives Drive, St. Louis, MO 63138 or online at www.archives.gov/veterans/military-service-records.

BOARD DISCUSSION:

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

a. Purple Heart: Deny. To be awarded the Purple Heart, the regulatory guidance requires all elements of the award criteria to be met; 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. The applicant served in Vietnam from 16 December 1967 to 13 December 1968. The Board found no evidence he was injured as a result of hostile action, or he required medical treatment for any hostile injury. Therefore, the Board determined he does not meet the criteria for award of the Purple Heart.

b. As a related award, although not specifically requested by the applicant, the Board noted that the applicant served continuously on active duty from 14 July 1967 to 6 June 1969, completing a total of 1 year, 10 months, and 23 days of continuous active duty service. He received excellent conduct and efficiency ratings. 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).

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

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: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the correction addressed in Administrative Note(s) below, 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 Army Good Conduct Medal (1st Award) for service during the period 14 July 1967 through 6 June 1969
- adding award of the Army Good Conduct (1st Award) to his DD Form 214

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 awarding him 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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's records show he was awarded or authorized the following awards not reflected on his DD Form 214. As a result, amend his DD Form 214 by:

a. Deleting from item 24:

- Vietnam Service Medal with two bronze service stars
- Sharpshooter Marksmanship Qualification with Rifle Bar

b. Adding:

(1) Item 24 –

- Vietnam Service Medal with one silver service star
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class
- Meritorious Unit Citation
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

(2) Item 30 – service in Vietnam from 16 December 1967 to 13 December 1968.

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) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. 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 the wound was the result of hostile action, the wound must have required treatment by a medical officer, and the medical treatment must have been made a matter of official record. The Purple Heart differs from all other decorations in that an individual is not "recommended" for the decoration; rather, he or she is entitled to it upon meeting specific criteria. A Purple Heart is authorized for the first wound suffered under conditions indicated above; an oak leaf cluster is awarded to be worn on the medal or ribbon for each subsequent award. Not more than one award will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent.

b. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign. A silver service star is authorized in lieu of five bronze service stars.

c. The qualification badge is awarded to indicate the degree – Expert, Sharpshooter, and Marksman -- in which an individual has qualified in a prescribed record course. An appropriate bar is furnished to denote each weapon with which the individual has qualified.

3. 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 the unit to which the applicant was assigned was cited for award of:

a. The Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period December 1965 to August 1968, Department of the Army General Order (DAGO) Number 48, dated 1971.

b. Republic of Vietnam Civil Actions Honor Medal First Class for the period 1 January 1966 to 21 January 1970, DAGO 51, dated 1971.

c. Meritorious Unit Citation for the period 1 December 1967 to 31 May 1968, DAGO 17, dated 1969.

4. U.S. Army Vietnam (USARV) Regulation 672-5-1 (Decorations and Awards), prescribed policies, responsibilities, and criteria for awards in order to insure prompt and proper recognition of individuals. The regulation stated:

a. The Purple Heart may be awarded to U.S. personnel who are wounded or killed in action as a direct result of enemy action.

b. A wound for which the award is made must have required treatment by a medical officer and records of medical treatment for wounds or injuries received must have been made a matter of official record.

c. 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 was 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.

5. 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.

6. Army Regulation 635-5 (Separation Documents), prescribed the separation documents that would be furnished each individual who was separated from the Army including Active-Duty Training personnel and established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, DA Form 66, and orders. Army Regulation 635-5 (Separation Documents), in effect at the time (effective 23 January 1967), states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty.

a. In item 24, enter from item 21, all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

b. In Item 30: The specific instructions for item 30 the "remarks" section will be used to complete entries too long for their respective blocks

7. Army Regulation 635-5, dated 4 February 1972, states, effective 15 March 1972 Army Regulation 635-5, dated 23 January 1967 is changed as follows: Indicate Indochina and Korea service on or after 5 August 1964 by entering inclusive dates of service for Vietnam and indicating "yes" or "no" for service in Indochina and Korea.

//NOTHING FOLLOWS//