

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: Oot [REDACTED]

BOARD DATE: 20 August 2024

DOCKET NUMBER: AR20230013647

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) for the period 28 April 1966 to 1 August 1972

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 on or about May of 1968 in Vietnam, he sustained shrapnel wounds during a rocket attack. The incident was documented by an Army nurse at Camp Humphreys (Korea). He was recommended for the Purple Heart but he never received it. He earned the Purple Heart and he would like the award to be added to his records.
3. The applicant enlisted in the Regular Army on 24 February 1965. He reenlisted on 28 April 1966.
4. The applicant's DA Form 20 (Enlisted Qualification Record) shows in:
  - a. item 31 (Foreign Service), he served in the following locations:
    - USARPAC [United States Army Pacific Command], Korea from 5 August 1965 to 28 July 1966
    - USARPAC, Vietnam from 5 June 1967 to 4 June 1968
    - USAREUR [United States Army Europe], Germany from 30 July 1968 to 10 July 1971

b. item 38 (Record of Assignments) shows, during his service in Vietnam, he was assigned to the 5th Battalion, 7th Cavalry, 1st Cavalry Division.

c. item 40 (Wounds) does not include any entries indicating he sustained any wounds.

d. item 41 (Awards and Decorations) does not list the Purple Heart.

5. 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.

6. The Adjutant General's Office Vietnam casualty roster does not show the applicant's name.

7. The applicant's DD Form 214 shows he was honorably discharged on 1 August 1972. He completed 6 years and 9 days of net active service during the period covered, of which, 4 years, 2 months, and 11 days were credited as foreign service; the last foreign theater of service is reflected as United States Army Europe (USAREUR). His DD Form 214 also shows he was awarded or authorized the:

- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device 1960
- Air Medal
- Bronze Star Medal

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. 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 5 June 1967 to 4 June 1968. The Board found no evidence such as a casualty report, entry on his DA Form 20, a Western Union telegram, or any other documentary evidence, that the applicant was injured/wounded as a result of the enemy. Likewise, the Board did not find, and the applicant does not provide evidence

that his contended injury required medical treatment and/or did not provide evidence of treatment records for his contended injury. Therefore, the Board determined the applicant's incident does not meet the criteria for award of the Purple Heart.

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

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, 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.

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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): administratively correct block 24 of the applicant's DD Form 214 for the period ending 1 August 1972 by deleting the Vietnam Service Medal and adding the:

- Korea Defense Service Medal
- Vietnam Service Medal with three bronze service stars
- Valorous Unit Award
- 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:

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 three campaigns:

- Vietnam Counteroffensive Phase III (1 June 1967 to 29 January 1968)
- Tet Counteroffensive (30 January to 1 April 1968)
- Vietnam Counteroffensive Phase IV (2 April to 30 June 1968)

c. The Korea Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense.

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 that during the applicant's assignment to the 5th Battalion, 7th Cavalry, this unit

was cited for the Valorous Unit Award for the period 1-31 October 1967 and for the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 9 August 1965 to 19 May 1969.

//NOTHING FOLLOWS//