

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 July 2024

DOCKET NUMBER: AR20230013753

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record), 25 September 2023
- Military Assistance Command-Vietnam (MACV) Form 10 (Casualty Report Format), 12 March 1971
- DA Form 8-275 (Clinical Record Sheet), 10 March 1971
- SF 600 (Health Record), 10 March 1971
- DD Form 214, for the period ending 24 April 1971
- Department of Veterans Affairs (VA) Form 21-6782
- DA Form 1577 (U.S. Army Personnel Command Authorization), 15 July 1988

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 his DD Form 214 was corrected to show his correct birth date but he is still waiting for a DD Form 215 (Correction to DD Form 214) to show his Purple Heart. He was an infantry officer in Ham Neha, Vietnam. His area of operation was Chi Chi and Duc Hue. He was on helicopter reconnaissance when he was shot in the left arm. An AK-47 round is still in his arm.
3. The applicant provides:
 - a. An SF 600, dated between 10 March 1971 to 25 March 1971, which shows:
 - 10 March 1971, fragment wound to left forearm, fragment not removed
 - 16 March 1971, DPC completed, wound looks good
 - 19 March 1971, dressing change, incisions healing well

- 25 March 1971, wound healed well, sutures removed
- b. A clinical record cover sheet, showing he was admitted to the 24th Evacuation Hospital (Semi-mobile) for an injury by an unknown fragment. He was treated and given limited duty.
 - c. A MACV Form 10, dated 12 March 1971 which shows he was a passenger on a Utility Helicopter on a visual reconnaissance mission when the UH-1H received hostile ground fire. The aircraft did not crash or burn. He received a minor shrapnel wound to his left arm on 10 March 1971, and he was treated at and released from the 93rd Evacuation Hospital.
 - d. A DA Form 1577 issued by U.S. Army PERSCOM, indicating the applicant's award of the Purple Heart.
 - e. A letter, dated 22 April 2022, in which he requested a status of his application.
4. The applicant's records contain sufficient evidence to support additional awards not annotated on the applicant's DD Form 214. As a result, these awards will be administratively and will not be considered by the Board.
5. A review of the applicant's service records show:
- a. On 21 August 1968, the applicant enlisted in the Regular Army.
 - b. On 23 June 1969, he was honorably discharged from the Regular Army in order to accept a commission. His DD Form 214 for this period shows he completed 10 months and 17 days of active service and he was awarded or authorized the National Defense Service Medal and Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16).
 - c. On 24 June 1969, he accepted an appointment as a Reserve commissioned officer in the Infantry Corps.
 - d. On 25 April 1970, he deployed to Vietnam and on 19 April 1971, he returned to the Continental United States.
 - e. His DA Form 66 (Officer Qualification Record) shows:
 - (1) He was assigned to: Headquarters (HQ), MACV, from 13 June 1970 to 4 August 1970; Civil Operations and Rural Development Support Military Region 3 from 5 August 1970 to 18 April 1971; and during the period of his Vietnam service he participated in three campaigns.

(2) He was awarded or authorized: National Defense Service Medal, Vietnam Service Medal, Bronze Star Medal, Republic of Vietnam Campaign Medal with Device (1960), two overseas bars, Combat Infantryman Badge, and Republic of Vietnam Gallantry Cross with Bronze Star

f. On 24 April 1971, he was honorably released from active duty. His DD Form 214 for this period shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Bronze Star Medal
- two overseas bars
- Combat Infantryman Badge
- Republic of Vietnam Gallantry Cross with Bronze Star

g. On 29 July 1971, HQ, U.S. MACV awarded him the Republic of Vietnam Armed Forces Civil Actions Honor Medal, First Class.

6. His records are void of orders awarding him the Purple Heart.

7. 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.

8. The applicant's name is listed 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. The entries under his name and service number confirm the date of casualty as 10 March 1971 and the major attributing cause code 'G' as the result of hostile enemy action in Vietnam (Not Booby Trap-Aircraft Connected Not At Sea).

BOARD DISCUSSION:

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. The evidence shows the applicant sustained an injury on 10 March 1971 that resulted from enemy action. An SF 600, dated between 10 March 1971 to 25 March 1971, shows he sustained fragment wound to left forearm on 10 March 1971 and underwent medical treatment at the 24th and/or 93rd Evacuation Hospital for his injury. His name is listed

on the Department of the Army Office of the Adjutant General Casualty Division Casualty Reference Name Listing with the entries under his name and service number confirm the date of casualty as 10 March 1971 as a result of hostile enemy action in Vietnam. Therefore, the Board determined he meets the criteria for award of the Purple Heart.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

In addition to the correction addressed in Administrative Note(s) below, the Board determined the evidence presented is sufficient to warrant a recommendation for 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 Purple Heart for wounds received in action on 10 March 1971 in Vietnam
- Adding award of the Purple Heart to his DD Form 214 ending on 24 April 1971

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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): The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214. As a result, amend his DD Form 214 by adding:

- three bronze service stars to his previously awarded Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class 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) 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. The Vietnam Service Medal was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which it participated in combat or was under orders in the combat zone and served at a normal post of duty.

3. U.S. Army Vietnam (USARV) Regulation 672-5-1 (Decorations and Awards), in effect during the Vietnam War, 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.

4. DA PAM 672-3 (Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)) shows:

a. The applicant completed service in Vietnam during the following campaigns:

- Vietnam Winter-Spring 1970, 1 November 1969—30 April 1970
- DA Sanctuary Counteroffensive, 1 May 1970 – 30 June 1970
- Vietnam Counteroffensive, Phase VII, 1 July 1970 – 30 June 1971

b. His unit, HQ, MACV and subordinate units were awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation by DAGO Number 8, 1974, for the period 8 February 1962 to 28 March 1973.

//NOTHING FOLLOWS//