

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 July 2024

DOCKET NUMBER: AR20230013788

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)
- Applicant's Statement
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- NGB Form 22 (Report of Separation and Record of Service)
- Radiology Report
- Department of Veterans Affairs (VA) Rating Decision
- DD Form 2860 (Application for Combat-Related Special Compensation (CRSC))
- Access to Archival Databases (AAD) (Screenshot)

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's personal statement provides, in part, on 19 February 1968, while in Vietnam, he was hit by a grenade and knocked unconscious. He was treated by [field] medics, picked up by a helicopter, and was taken to the Hospital Ship, "USS Carlton." He does not know if paperwork was prepared for issuance of the Purple Heart.
3. The applicant's record contains sufficient evidence to justify additional administrative correction of his DD Form 214 without action by the Board. These corrections will be addressed in the "ADMINISTRATIVE NOTES" portion of this Record of Proceedings.
4. On 28 September 1966, he was inducted into the Army of the United States. He held military occupational specialty 11B (Light Weapons Infantryman).

5. His DA Form 20 (Enlisted Qualification Record) contains the following entries and information:

a. Item 29 (Qualification in Arms) shows he qualified expert with the M-14 rifle on 6 July 1967.

b. Item 31 (Foreign Service) shows he served in Vietnam from 27 September 1967 to 20 September 1968.

c. Item 38 (Record of Assignments) shows -

- he received all excellent conduct and efficiency ratings
- he was assigned to Company C, 3rd Battalion, 47th Infantry Regiment, 9th Infantry Division, Vietnam from 5 October 1967 to 19 September 1968

d. Item 40 (Wounds) contains no annotations.

e. Item 41 (Awards and Decorations) does not list the Purple Heart.

6. His record does not include nor did he provide orders awarding him the Purple Heart.

7. His DD Form 214 shows he was honorably released from active duty on 23 September 1968, after completing 1 year, 11 months, and 26 days of net active service, of which 11 months and 18 days were credited as foreign and/or sea service. He was transferred to the United States Army Reserve Control Group (Reinforcement).

a. Block 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal with Device (1960)
- Combat Infantryman Badge
- Army Commendation Medal

b. Block 30 (Remarks) does not reflect his service in Vietnam.

8. The applicant's name is not listed on the Vietnam Casualty Roster.

9. A review by Human Resources Command (HRC) 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 Awards and

Decorations Branch of HRC, failed to reveal orders awarding the applicant the Purple Heart.

10. The applicant received all excellent conduct and efficiency ratings during the period of service covered on his DD Form 214 ending 23 September 1968. His Record does not contain any documented misconduct like absence without leave, or punishment under the provisions of Article 15, Uniform Code of Military Justice. Additionally, there is no record or a conviction by court-martial or that his commander disqualified him from award of the Army Good Conduct Medal (1st Award).

11. He was honorably discharged from the United States Army Reserve on 27 September 1972.

12. The applicant enlisted in the Michigan Army National Guard (MAARNG) on 10 November 1981.

13. On 17 January 1991, he entered onto active duty as a member of the Army National Guard. His DD Form 214 shows he was honorably released from active duty at the expiration of his term of service, on 19 June 1991, and transferred back to his MAARNG unit. He completed 5 months and 3 days of net active service, of which, 3 months and 5 days was credited as foreign service in Southwest Asia. His DD Form 214 includes the following entries and information:

a. Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized (All periods of service):

- Army Service Ribbon
- National Defense Service Medal with bronze service star
- Southwest Asia Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign
- Army Commendation Medal
- Army Achievement Medal
- Noncommissioned Officer Professional Development Ribbon
- Combat Infantryman Badge

b. Item 18 (Remarks) contains the entry, "SERVICE IN SWA 6 FEB 1991 TO 31 MAY 1991."

14. His National Guard Bureau (NGB) Form 22 (Report or Separation and Record of Service) shows he was honorably discharged and transferred to the Retired Reserve on 31 May 2000. This form does not reflect the Purple Heart.

15. The applicant provided, in part:

a. Radiology Report, showing clinical history: Shrapnel to left hand while in service in 1968.

b. A VA Rating Decision, showing he has a 90 percent (%) combined evaluation for “residuals, shrapnel injury, left hand”; and diabetic related conditions.

c. DD Form 2860 (Application for CRSC), showing no processing/status.

16. The applicant's submissions were provided to the Board in their entirety.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records the Board determined there was insufficient evidence that showed the applicant's name on the casualty listing or notification to his family that he had been wounded. There is insufficient medical documentation showing the applicant received wounds caused by enemy forces that required treatment by medical personnel.

2. The Board noted, 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 Board determined the applicant's record is absent substantiating evidence to verify that he was injured, the wound was the result of hostile action, the wound must have required treatment by medical personnel. However, during deliberation, the Board determined the applicant's record was absent award of the Army Good Conduct Medal (1st Award) for exemplary service. Based on this, the Board granted partial relief to award the Army Good Conduct Medal.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction be 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:

1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 amending the applicant's DD Form 214 for the period ending 23 September 1968 to show award of the Army Good Conduct Medal (1st Award) for exemplary service from 28 September 1966 to 23 September 1968 and adding the medal to his DD Form 214 ending 23 September 1968.

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.

█

█ █

█

█

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 record found evidence sufficient to amend:

a. his DD Form 214 for the period ending 30 March 1971, by deleting from item 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) the Vietnam Service Medal and adding the:

- Vietnam Service Medal with four bronze service stars
- Presidential Unit Citation
- Meritorious Unit Award
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)

b. his DD Form 214 for the period ending 19 June 1991, in item 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) by deleting the Vietnam Service Medal and adding the Southwest Asia Service Medal, and adding the:

- Vietnam Service Medal with four bronze service stars
- Presidential Unit Citation
- Meritorious Unit Award
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Southwest Asia Service Medal with 2 bronze service stars
- Kuwait Liberation Medal - Kuwait
- Kuwait Liberation Medal - Saudi Arabia

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, in pertinent part, for award of:

a. A bronze service star, based on qualifying service, for each campaign listed in Appendix B of this regulation and states that authorized bronze service stars will be worn on the appropriate service medal. He is entitled to four bronze service stars to be worn on the Vietnam Service Medal.

b. The Purple Heart is awarded for a wound 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.

c. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity during a qualifying period of active-duty enlisted service on or after 27 August 1940. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of Federal military service. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified. Current practice requires that the commander provide written notice of nonfavorable consideration and permits the individual to respond.

d. The Southwest Asia Service Medal is awarded to members of the Armed Forces of the United States who participated in Operations Desert Shield/Desert Storm in the designated area on or after 2 August 1990 to 30 November 1995. A bronze service star is authorized for wear with this medal for participation in each credited campaign. Approved designated campaigns are:

- Defense of Saudi Arabia (2 August 1990 to 16 January 1991)
- Liberation and Defense of Kuwait (17 January to 11 April 1991)
- Cease-Fire Campaign (12 April 1991 to 30 November 1995)

e. The Kuwait Liberation Medal awarded by the Kingdom of Saudi Arabia (KLM-SA) was approved on 3 January 1992 and is awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 17 January 1991 and 28 February 1991.

f. the Kuwait Liberation Medal awarded by the Government of Kuwait (KLM-K) was approved on 9 November 1995 and is awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 2 August 1990 and 31 August 1993.

3. Army Regulation 672-5-1 (Awards and Decorations), 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. 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.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the unit awards received by units serving in Vietnam. This publication shows:

a. The following four campaigns occurred during the period of the applicant's service in Vietnam from 27 September 1967 to 20 September 1968:

- Vietnam Counteroffensive, Phase III, 1 June 1967 - 29 January 1968
- TET Counteroffensive, 30 January 1968 - 1 April 1968
- Vietnam Counteroffensive, Phase IV, 2 April 1968 - 30 June 1968
- Vietnam Counteroffensive, Phase V, 1 July 1968 - 1 November 1968

b. The applicant's unit, 3rd Battalion, 47th Infantry Regiment, was awarded the following unit awards, which coincide with the dates of the applicant's service in that unit from 5 October 1967 to 19 September 1968:

- Department of the Army General Orders (DAGO) Number 45, dated 1969, awarded the Presidential Unit Citation for the period 29 January - 4 March 1968
- DAGO Number 36, dated 1970, awarded the Meritorious Unit Award for the period 1 January - 31 December 1968
- DAGO Number 31, dated 1969, awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 1 December 1966 - 30 June 1968
- DAGO Number 59, dated 1969 awarded the Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation for the period 19 December 1966 - 28 June 1969

//NOTHING FOLLOWS//