

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 August 2024

DOCKET NUMBER: AR20230013794

APPLICANT REQUESTS: correction of her father's DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show he was awarded the following awards: Purple Heart (PH) and Combat Infantryman Badge (CIB).

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

- DD Form 149 (Application for Correction of Military Record)
- A self-authored letter
- DA Form 8-119 (Hospital Arrival Notice)
- Three news articles
- DD Form 214
- Honorable Discharge Certificate
- Letter Orders Number 03-1064939
- Applicant's birth certificate
- Veteran appreciation plaque
- The former service member's (SM) death certificate

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 that while reviewing some her father's service documents, he had disclosed he was awarded the PH and the CIB due to injuries he sustained while serving in Vietnam. Her father was terminally ill at the time of the application, when she requested the PH, and the CIB to be added to his DD Form 214. She also requested the corresponding medal and badge for him, as it would have made him very happy, and it would create a treasured memory for her. The SM has passed away since the application was submitted. The letter is available in its entirety for the Board's review.

3. The applicant provides:

- DA Form 8-119 shows on 27 February 1968, his mother was notified the SM had returned from the U.S. Army Pacific (USARPAC) and was admitted to the US Army Hospital, Fort Devens, MA.
- Three news articles that reflect the SM was wounded while serving in Vietnam and was being treated at the Fort Devens hospital. The articles are available in their entirety for the Board's review.
- Letter Orders Number 03-1064939, dated 21 March 1973, show the SM was honorably discharged.
- The applicant's birth certificate, which shows she is the daughter of the SM.
- A picture of a Veteran appreciation plaque presented to the SM by the Disabled American Veterans organization (DAV).
- The SM's death certificate reflects he passed away on 3 February 2024.

4. The SM is authorized additional awards not currently listed on his DD Form 214. These awards will be administratively corrected in the "Administrative Notes" section of this document without Board action.

5. The SM's service record shows:

a. He enlisted in the Regular Army on 14 April 1967.

b. Special Order A-54, dated 23 February 1968, provides the SM was to proceed as in-patient status from the Casualty Staging Flight (PACAF) to the US Army Hospital, in Fort Devens, MA.

c. Memorandum subject: Reassignment Orders (Medical Evacuees), dated 2 March 1968, shows the SM was dropped from the 1st Cavalry Division's unit strength and reassigned to the United States Army Republic of Vietnam (USARV) Patient Casual Company.

d. His DA Form 20 shows in:

- item 22 (Military Occupational Specialties): 11B Light Weapon Infantryman
- item 31 (Foreign Service): 24 September 1967-24 February 1968 Vietnam
- item 33 (Appointments and Reductions): on 15 July 1969 he was reduced in rank from specialist E-4 to private first class E-3 and on 29 July 1969 he was reduced in rank again, from private first class E-3 to private E-2
- item 38 (Record of Assignments): he received all excellent ratings in conduct and efficiency, except for the period beginning 24 July 1969 through 28 July 1969, in which he was reported absent without leave (AWOL) resulting in unknown ratings in conduct and efficiency

- item 38, he was assigned to Company C, 2nd Battalion, 7th Cavalry, 1st Cavalry Division.
- item 40 (Wounds): Gun Shot Wound (GSW) Right Thigh 22 February 1968
- item 41 (Awards and Decorations): National Defense Service Medal (NDSM), Expert Badge with Rifle Bar M14, Expert Badge with M60, Sharpshooter Badge with M16 Rifle, Vietnam Service Medal (VSM), Republic of Vietnam Campaign Medal (VCM) with 60 Device
- item 42 (Remarks): Injured Right Knee

e. His DD Form 214 shows he was honorably released from active duty on 29 January 1970 and was transferred to the U.S. Army Reserve (USAR). He completed 2 years, 9 months, and 11 days of active service. It also shows in:

(1) item 22c (Foreign and/or Sea Service): 5 months and 1 day (USARV)

(2) item 24 (Awards): Expert Badge with Rifle Bar M14, Expert Badge with M60, Sharpshooter Badge with M16 Rifle NDSM, VCM with 60 Device, VSM,

(3) item 30 (Remarks): USARV: 24 September 1967 through 24 February 1968.

(4) item 30 (Cont.): Five days lost time, from 24 July 1969 through 28 July 1968

f. A medical evaluation that provides the SM was treated for a GSW he sustained in Vietnam on 22 February 1968. The medical evaluation is available in its entirety for the Board's review.

6. The SM's name is shown as hostile wounded in action by small arms fire, on the Department of the Army Office of the Adjutant General Vietnam 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.

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 PH and CIB pertaining to the SM.

BOARD DISCUSSION:

1. 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. Purple Heart: Grant. The evidence shows the SM sustained a gunshot wound in Vietnam on 22 February 1968. His combat wound is recorded on his DA Form 20 as well as the Vietnam casualty roster. His record also contains medical documents confirming his medical treatment for this injury. Therefore, the Board determined he meets the criteria for award of the Purple Heart.

b. Combat Infantryman Badge: Grant. The SM was trained and held MOS 11B. He served in Vietnam from 24 September 1967 through 24 February 1968. He was assigned to Company C, 2nd Battalion, 7th Cavalry, 1st Cavalry Division. He was wounded in action on 22 February 1968. USARV Regulation 672-1 authorized award of the Combat Infantryman Badge to infantry personnel who were members of infantry platoons and squads in armored cavalry squadrons and regiments. The Board was determined there is sufficient evidence to show he met the criteria for award of the Combat Infantryman Badge.

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:

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 SM the Purple Heart for wounds received in action in Vietnam on 22 February 1968
- awarding the SM the Combat Infantryman Badge on 22 February 1968
- adding awards of the Purple Heart and Combat Infantryman Badge to his DD Form 214

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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 SM's records shows he is authorized additional awards not listed on his DD Form 214. As a result, amend his DD Form 214 by amending item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) to show he was authorized the following awards:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Vietnam Service Medal (VSM) with two bronze service stars
  - Vietnam Counteroffensive, Phase III - 1 June 1967 to 29 January 1968
  - TET Counteroffensive, 30 January 1968 - 1 April 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 (PH) is awarded in the name of the President of the United States to any member of an Armed Force of the United States under the jurisdiction of the Secretary of the Army, who, after 5 April 1917, has been wounded, killed, or who has died or may hereafter die of wounds received, under any of the following circumstances:

- (1) In any action against an enemy of the United States.
- (2) In any action with an opposing armed force of a foreign country in which the Armed Forces of the United States are or have been engaged.
- (3) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.
- (4) As the result of an act of any such enemy or opposing Armed Forces.
- (5) As the result of an act of any hostile foreign force.

(6) After 7 December 1941, pursuant to Title 10, United States Code, section 1129, as a result of friendly fire provided the member was killed or wounded in action by friendly weapon fire while directly engaged in armed conflict, other than the result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of the willful misconduct of the member.

(7) On or after 7 December 1941, to a member who is killed or dies while in captivity as a Prisoner of War under circumstances establishing eligibility for the Prisoner of War Medal, unless compelling evidence is presented that shows the member's death was not the result of enemy action.

b. To qualify for award of the Purple Heart the wound must have been of such severity that it required treatment, not merely examination, by a medical officer. A wound is defined as an injury to any part of the body from an outside force or agent. A physical lesion is not required.

(1) Treatment of the wound will be documented in the member's medical and/or health record.

(2) Award may be made for a wound treated by a medical professional other than a medical officer provided a medical officer includes a statement in the member's medical record that the severity of the wound was such that it would have required treatment by a medical officer if one had been available to provide treatment.

(3) A medical professional is defined as a civilian physician or a physician extender. Physician extenders include nurse practitioners, physician assistants, and other medical professionals qualified to provide independent treatment (to include Special Forces medics). Medics (such as combat medics – military occupational specialty 68W) are not physician extenders.

(4) A medical officer is defined as a physician with officer rank. The following are medical officers:

- An officer of the medical corps of the Army
- An officer of the medical corps of the U.S. Navy
- An officer in the U.S. Air Force designated as a medical officer in accordance with Title 10, United States Code, section 101

c. Examples of enemy-related injuries which clearly justify award of the Purple Heart are as follows:

- Injury caused by enemy bullet, shrapnel, or other projectile created by enemy action

- Injury caused by enemy-placed trap or mine
- Injury caused by enemy-released chemical, biological, or nuclear agent
- Injury caused by vehicle or aircraft accident resulting from enemy fire
- Concussion injuries caused as a result of enemy-generated explosions
- Mild traumatic brain injury or concussion severe enough to cause either loss of consciousness or restriction from full duty due to persistent signs, symptoms, or clinical finding, or impaired brain function for a period greater than 48 hours from the time of the concussive incident

c. the Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons who have an infantry military occupational specialty (MOS), assigned, or attached to an infantry unit. They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. Additionally, Appendix V of U.S. Army Vietnam (USARV) Regulation 672-1 states that during the Vietnam era the Combat Infantryman Badge was awarded only to enlisted individuals who held and served in MOS 11B, 11C, 11D, 11F, 11G, or 11H.

3. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) provided for award of the Combat Infantryman Badge to infantry personnel who were members of infantry platoons and squads in armored cavalry squadrons and regiments.

4. Department of the Army Pamphlet 672-3 (Unit and Campaign Participation Credit Register) shows:

a. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign. During his service in Vietnam, the SM participated in the following campaigns:

- Vietnam Counteroffensive, Phase III - 1 June 1967 to 29 January 1968
- TET Counteroffensive, 30 January 1968 - 1 April 1968

b. Department of the Army General Orders Number 8, dated 1974, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Army Vietnam, and its subordinate units for the period 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//