

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 August 2024

DOCKET NUMBER: AR20230014187

APPLICANT REQUESTS: award of the Purple Heart and correction to his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending 19 June 1966, to add this award.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, ending 19 June 1966

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 injured on active duty during his service in Vietnam from 20 June 1966 to 19 June 1968.
3. The applicant was inducted into the Army of the United States on 20 June 1966.
4. His DA Form 20 (Enlisted Qualification Record) contains the following entries and information:
  - a. Block 29 (Qualification in Arms) shows he qualified as an expert with the M-14 Rifle on 7 December 1966.
  - b. Block 31 (Foreign Service) does not contain any entries for Vietnam Service; however, it shows he served in United States Army Pacific Command (USARPAC) Korea from 9 November 1966 to 8 December 1967 (1 year and 1 month).
  - c. Block 38 (Record of Assignments) shows the applicant received "good" conduct and efficiency ratings while in Basic Combat Training. The remainder of his conduct and

efficiency ratings were excellent or unknown. This block also shows the following assignment history:

- Fort Leonard Wood, MO, 20 June 1966 to 6 November 1966
- enroute to Korea, 7 November 1966 to 17 November 1966
- Korea, 18 November 1966 to 5 December 1967
- enroute to Fort Bragg, NC (Fort Liberty)
- Fort Bragg, NC (Fort Liberty), 16 January 1968 to 19 June 1998

d. Block 40 (Wounds) is blank.

e. Block 41 (Awards and Decorations) lists the National Defense Service Medal and the Expert Marksmanship Qualification Badge with Rifle Bar.

5. He was honorably released from active duty on 19 June 1968, after completing 2 years of net active service, of which 1 year and 1 month were credited as foreign service in USARPAC. His DD Form 214 includes the following entries:

- Block 22c (Foreign and/or Sea Service) shows he completed 1 year and 1 month of foreign service in USARPAC
- Block 24 lists only the National Defense Service Medal
- Block 30 (Remarks) does not contain an entry for service in Korea or Vietnam.

6. A review 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, failed to reveal any orders for award of the Purple Heart pertaining to the applicant.

7. The applicant's name is not listed on the Vietnam Casualty Roster and the record does not contain nor did the applicant provide the following:

- evidence of service in Vietnam or another hostile area
- orders awarding him the Purple Heart
- evidence showing, he was wounded as a result of hostile enemy action
- evidence the wounds required treatment by a medical officer
- evidence the wound and treatment was documented in his medical records

8. Regulatory guidance provides, there are basically three criteria for award of the Purple Heart. First the service member must have been wounded as a result of hostile enemy action. Second, the wounds must have required treatment by a medical officer. Third, the wound and the treatment of the wound must be documented in the service medical 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 Board found no evidence he was injured as a result of hostile action, or that the injury he contests required medical treatment or that the medical records were made available in his official records. 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, the Board noted that the applicant served continuously on active duty from 20 June 1966 to 19 June 1968, completing a total of 2 years of continuous active duty service. Except for a "Good" conduct and efficiency ratings during basic combat training, 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

█                █                █                GRANT PARTIAL RELIEF

:                :                :                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 20 June 1966 through 19 June 1968
- 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): administratively correct block 24 of the applicant's DD Form 214 without action by the Board, by adding the:

- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Korea Defense Service Medal
- Armed Forces Expeditionary Medal

REFERENCES:

1. 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 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. when contemplating an award of the Purple Heart, the key issue that commanders must take into consideration is the degree to which the enemy caused the injury. The fact the proposed recipient was participating in direct or indirect combat operations is a necessary prerequisite but is not sole justification for award.

3. Army Regulation 600-8-22 provides 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. Servicemembers qualified for the Armed Forces Expeditionary Medal by reasons of service between 1 October 1966 and 30 June 1974 in an area for which the Korea Defense Service Medal was authorized subsequently are eligible for both the Armed Forces Expeditionary Medal and the Korea Defense Service Medal. Award of the Korea Defense Service Medal for this time period is a one-time exception to policy to comply with Public Law 107-314.

4. Army Regulation 635-5 (Separation Documents) in effect at the time stated, in block 30, indicate Indochina and Korea service on or after 5 August 1964 by entering the inclusive dates of service for Vietnam and indicating "yes" or "no" for service in Indochina and Korea. For example:

a. To show service in Vietnam only: "Vietnam-25 Apr 70 through 28 May 71, Indochina-yes, Korea-no."

b. To show service in Korea only: "Indochina-no, Vietnam-no, Korea-yes."

//NOTHING FOLLOWS//