

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 August 2024

DOCKET NUMBER: AR20230014280

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the Purple Heart (2nd Award).

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

- DD Form 149 (Application for Correction of Military Record)
- Two Purple Heart Certificates
- DD Form 214

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 is requesting addition of the Purple Heart (2nd award) to his DD Form 214.
3. The applicant's service record shows:
4. He was inducted into the Army of the United States on 20 June 1966, and he attained the rank/grade of specialist four/E-4. His DA Form 20 (Enlisted Qualification Record) shows in:
 - a. item 29 (Qualifications in Arms) records the following weapons qualifications:
 - Rifle (M-14), Sharpshooter, 30 November 1967
 - Machine Gun (M-60), First Class Gunner, 24 January 1968
 - Rifle (M-16), Marksman, 19 January 1968
 - Rifle (M-14), Expert, 10 May 1969
 - b. item 31 (Foreign Service) shows he served in the "United States Army Pacific Command (USARPAC) -Vietnam" from 27 March 1968 to 23 March 1969.

c. Item 38 (Record of Assignments), shows, in part, the following assignments:

- Company B, 2nd Battalion, 3rd Infantry, 199th Infantry Brigade, Vietnam (11 April to 12 May 1968)
- 249th General Hospital, Japan, as a casualty (13 May to 16 August 1968)
- Company B, 2nd Battalion, 3rd Infantry, 199th Infantry Brigade, Vietnam (17 August 1968 to 20 March 1969)

d. Item 40 (Wounds):

- Fragment Right Arm, 28 April 1968
- Gunshot wound Right Hand, 13 May 1968

5. General Order 425, Headquarters 199th Infantry Brigade (SEP)(Light), awarded the applicant the Purple Heart for wounds received in connection with military operations against a hostile force on 28 April 1968.

6. The applicant provided two Purple Heart Certificates showing he was awarded the:

- Purple Heart for wounds received in action on 28 April 1968
- Purple Heart (2nd Award) for wounds received in action on 13 May 1968

7. On 10 October 1969, he was honorably released from active duty and transferred to the United States Army Reserve. He completed 1 year, 11 months, and 29 days of net service this period. This DD Form 214 shows his authorized award are listed as the:

- National Defense Service Medal
- Vietnam Service Medal with 1 bronze service star
- Vietnam Campaign Medal with Device 1960
- two Overseas Service Bars
- Combat Infantryman Badge (1st Award)
- Army Commendation Medal
- Purple Heart
- Sharpshooter Marksmanship Qualification Badge Rifle (M-14)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- First Class Gunner Marksmanship Qualification Badge with Machine Gun Bar (M-60)
- Good Conduct Medal (1st Award)

8. The available evidence is void of orders awarding him the Purple Heart (1st OLC) and this award is not listed on his DD Form 214.

9. 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 (1st Award or 2nd Award) pertaining to the applicant.

10. The Vietnam casualty roster includes two entries, which show the applicant was injured as a result of hostile enemy action on 28 April 1968 and 15 May 1968.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the applicant served in Vietnam from 27 March 1968 to 23 March 1969. His DA Form 20 (Enlisted Qualification Record) indicates two wounds: right arm on 28 April 1968 and gun shot wound, right hand on 13 May 1968. Additionally, his record contains two Purple Heart Certificates for wounds received in action on 28 April 1968 and 13 May 1968. The applicant's name is annotated on the Vietnam Casualty Roster as having been wounded in action on the same dates. The Board noted the applicant's record currently shows award of the Purple Heart. The Board determined the applicant met the criteria for award of the Purple Heart (2nd Award).

2. Prior to closing the discussion, the Board noted and concurred with the administrative notes below.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding him the Purple Heart for injuries sustained in action on 13 May 1968
- deleting from his DD Form 214, for the period ending 10 October 1969, the Purple Heart
- adding to his DD Form 214, for the period ending 10 October 1969, the Purple Heart (2nd Award)

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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): correct item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) of the applicant's DD Form 214 ending 10 October 1969, by

- a. deleting the -
- Sharpshooter Marksmanship Qualification Badge Rifle (M-14)

- Vietnam Service Medal with 1 bronze service star

b. adding the -

- Expert Marksmanship Qualification Badge Rifle (M-14)
- Vietnam Service Medal with 1 silver service star
- 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. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) stated the authority to award the Purple Heart was delegated to hospital commanders. 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.

3. Army Regulation 600-8-22 (Military Awards) states -

a. 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. An oak leaf cluster is awarded to denote the second and succeeding awards of certain decorations, among which is the Purple Heart.

b. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign. A silver service star is authorized in lieu of five bronze service stars. During the period of his service in Vietnam, the applicant participated in the below 5 campaigns:

- 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
- Vietnam Counteroffensive, Phase VI, 2 November 1968—22 February 1969
- TET 69 Counteroffensive, 23 February 1969—8 June 1969

c. An award for previous marksmanship weapons qualification is revoked automatically whenever an individual, upon completion of firing a record course for which the previous award was made, has not attained the same qualification.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows the 2nd Battalion, 3rd Infantry Regiment, was cited for award of

the below unit awards, by Department of the Army General Orders (DAGO) during the period of the applicant's service:

a. DAGO 5, dated 1971, awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation, for the period 19 June 1968 to 31 July 1970.

b. DAGO 31, dated 1971, awarded the Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation, for the period 12 December 1966 to 31 August 1970.

//NOTHING FOLLOWS//