

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 August 2024

DOCKET NUMBER: AR20230014720

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from active Duty) to show the Purple Heart (PH).

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

- DD Form 149 (Application for Correction of Military Record), 23 Oct 2023
- Self-Authored Statement, 16 October 2023
- Department of Veterans Affairs (VA) Letter, 15 June 2006
- VA Letter, 28 December 2007
- Defense Finance Accounting Service (DFAS) Letter, 3 May 2010
- Photograph

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:

a. He was sent to Pusan, Korea in August 1950 and was assigned as an assistant gunner in a heavy weapons squad in E Company, 24th Infantry Regiment, 25th Infantry.

b. His company was attacked in the early hours by Chinese Soldiers and he was wounded, taken to Toyko General Hospital, and was awarded the PH in the hospital.

c. He went to recuperate in Kentucky. He was discharged in 1951.

3. The applicant provides:

a. Two letters sent to him from the VA, notifying him of their decision regarding his claim for benefits.

b. A letter sent to him from DFAS notifying him of retroactive payment of Combat Related Special Compensation.

c. An undated color photograph showing a Soldier with a PH ribbon on his uniform.

4. The applicant's records contain sufficient evidence to support additional awards and administrative correction of his DD Form 214 and will be listed in the administrative notes section.

5. The Board may consider the as a related issue, award of the Army Good Conduct Medal (First Award) for the period 10 May 1950 to 9 May 1953.

6. A review of the applicant's service records show:

a. On 10 May 1950, he enlisted in the Regular Army.

b. An AGO Form 241 (Casualty Report), dated 6 December 1950, shows he was wounded in action from shrapnel in the left thigh by enemy shell fire on 29 November 1950 while attacking the enemy near Yoonghyoun, Korea. This form further shows his military occupational specialty was 4745 (Mortar Gunner or Crewman, 60mm), his wound was attributed to a battle casualty, his arm of service was infantry, he was assigned to the 24th Infantry Regiment at the time, and he was transferred from the 118th Surgical Hospital and admitted to hospital on 6 December 1950. The diagnosis was wound, missile (penetrating left thigh and wounded in action by enemy mortar shell fragments (diagnosis code 8255) and frostbite, bilateral feet (diagnosis code 8411).

c. A WD AGO Form 0365 (Battle Casualty Report), dated 9 December 1950, shows the adjutant General of the Army notified the applicant's parents of his wound by message delivery on 10 December 1950.

d. His DA Form 24A (Service Record) shows in:

(1) Section 8 (Wounds Received Through Enemy Action) – Shrapnel wound Left Thigh, 28 November 1959;

(2) Section 12 (Appointments, Promotions, or Reductions) – no reductions;

(3) Section 13 (Record of Trials by Courts Martial) – none;

(4) Section 14 (Service Outside Continental United States) – Foreign service in Pusan, Korea from 26 September 1950 to 10 December 1950;

(5) Section 15 (Time Lost under Articles Of War 107) – none;

(6) Section 21 (Medal, Decorations, and Citations) – Korean Service Medal and two bronze service stars, UN Service Medal; and

(7) Section 24 (Endorsements) – he received all excellent character and efficiency ratings, or unknown ratings during time periods at units to which he was not rated; he was favorably considered for the Army Good Conduct Medal in all units from which he was rated, with the exception of his last unit, for which an entry was not entered.

e. On 9 May 1953, he was honorably discharged by reason of expiration term of service (ETS). His DD Form 214 (Report of Separation from the Armed Forces of the United States) for this period of service shows in:

- item 26 (Foreign and/or Sea Service) – 3 months and 3 days
- item 27 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – Korean Service Medal with 2 bronze service stars
- item 29 (Wounds Received as A Result of Action with Enemy Forces) – Shrapnel wound, left thigh, 28 November 1950, Korea
- item 38 (Remarks) – in part, no days lost under Section 6(a), Appendix 2b, Manual of Courts Martial 1951 and no entries for court-martial convictions

f. On 10 May 1955, he reenlisted for a period of 3 years.

g. A DD Form 214 issued to him for the period of service 10 May 1955 to 25 July 1957 is not contained in the available records. A DA Form 20 (Enlisted Qualification Record) for this period shows he qualified in arms: Marksman Marksmanship Qualification Badge with Carbine Bar.

h. On 26 July 1957, he reenlisted for a period of 4 years.

i. On 25 July 1961, he was honorably discharged by reason of ETS. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for this period show in:

- item 25 (Foreign and/or Sea Service) – 1 year, 2 months, and 7 days
- item 27 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) –
  - Marksman Marksmanship Qualification Badge with Rifle Bar (M-14) and Carbine Bar (M-1)
  - Driver Qualification Badge
  - Army Good Conduct Medal

- Letter of Appreciation

j. On 28 August 1961, he reenlisted for a period of 4 years.

k. On 27 August 1965, he was honorably discharged by reason of immediate reenlistment. His DD Form 214 for this period shows he completed 4 years with 9 years, 2 months, and 17 days other service and 13 years, 2 months, and 17 days of total active service. Item 26 shows he was awarded or authorized:

- Letter of Appreciation
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Army Good Conduct Medal (First Award)

l. On 28 August 1965, he reenlisted in the Regular Army for 4 years.

m. His DA Form 20 shows he:

- was deployed to Vietnam from 6 October 1966 to 2 October 1967
- was assigned to 498th Medical Company (Airmobile) from 25 October 1966 to 29 September 1967, a unit which was awarded the Meritorious Unit Commendation for the period 20 September 1965 to 31 August 1967
- participated in two campaigns

n. On 27 August 1969, he was honorably discharged by reason of ETS. His DD Form 214 for this period shows he completed 4 years during this period of service and he completed 13 years, 2 months, and 17 days of prior active service. It further shows he was awarded or authorized:

- Army Good Conduct Medal (Second Award)
- Republic of Vietnam Campaign Medal with Device (1960)
- National Defense Service Medal with one bronze service star
- Vietnam Service Medal

o. On 28 August 1969, he reenlisted in the Regular Army.

p. His DA Form 20 for this period shows he was awarded or authorized:

- National Defense Service Medal with one bronze service star
- Vietnam Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Air Crewman Badge
- two Overseas Service Bars

- six overseas service stripes
- Army Good Conduct Medal (Fourth Award) (First Award: 30 March 1965; Second Award: 30 March 1968; Third Award: 29 March 1971; Fourth Award: 29 March 1974)
- Republic of Vietnam Campaign Medal with Device (1960)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

q. On 31 May 1976, he was retired. His DD Form 214 for this period shows he was awarded or authorized:

- National Defense Service Medal with one bronze service star
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Army Commendation Medal
- Vietnam Service Medal
- Army Good Conduct Medal (Fourth Award)
- Republic of Vietnam Campaign Medal with Device (1960)
- Air Crewman Badge

7. His records are void of orders awarding him the PH and void of orders awarding him the Army Good Conduct Medal (First Award) for the period 10 May 1950 to 9 May 1953.

#### 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 review based on law, policy, and regulation. The evidence of record shows the applicant enlisted in the Army on 10 May 1950 and subsequently deployed to Korea. His record contains a casualty report indicating he was wounded by a missile penetrating his left thigh, wounded in action by enemy mortar shell fragments, and endured frostbite to both feet in Yoenghyon, Korea on 29 November 1950. Additionally, his record indicates he was in a patient status subsequent to his injury. The Board determined the applicant met the criteria for award of the Purple Heart.

2. Additionally, the Board reviewed the applicant's record and determined he served a qualified period for award of the Army Good Conduct Medal (First Award) in addition to the administrative notes listed below.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	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 29 November 1950
- awarding him the Army Good Conduct Medal (First Award) for the qualifying period from 10 May 1950 to 9 May 1953
- deleting from his DD Form 214, for the period ending 31 May 1976, the Army Good Conduct Medal (4th Award)
- adding to his DD Form 214, for the period ending 31 May 1976:
  - Purple Heart
  - Army Good Conduct Medal (Fifth 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): The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214 for the period ending 31 May 1976, and should be administratively corrected to show:

a. In item 26:

- Meritorious Unit Commendation
- Korea Service Medal with two bronze service stars
- two bronze service stars to his previously issued Vietnam Service Medal
- United Nations Service Medal
- Driver Qualification Badge with W (Wheeled Vehicles)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Marksman Marksmanship Qualification Badge with Carbine Bar (.30 caliber) (M-1)

b. Item 27 (Remarks): "Service in Vietnam: 6 October 1966 to 2 October 1967."

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 Department of the 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 Army Good Conduct Medal is awarded to on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) 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; (4) for the first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5) for the first award only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of the Army Good Conduct Medal as indicated in the Soldier's record: willingly complied



with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

c. 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. Special Regulation 615-630-1 (Separation of Enlisted Personnel), in effect at the time, (24 June 1953), established the procedures to be followed in the separation of enlisted personnel from active military service and describe the proper method of execution and disposition of the various forms, records, and reports required.

a. A Report of Separation from the Armed Forces of the United States (DD Form 214) is furnished to all enlisted personnel separated from the active military service.

b. To insure accuracy and economy in the preparation of the DD Form 214, DD Form 214a (worksheet) will be used as the basis of the final preparation of DD Form 214. After verification of entries on DD Form 214, disposition of the work sheet will be in accordance with regulation. An entry will be made in each item. If no detailed entry is applicable enter "None" or "Not applicable."

c. Item 27 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized): enter decorations or citations received during period covered by the DD Form 214, and authority for each. Authorities for service medal need not be entered.

d. Item 29 (Wounds): enter chronologically each wound received during the period covered by the DD Form 214 being prepared, as the result of enemy action. Show both date and place of action if recorded on records available at time of separation. If records are not available, the terminology "no records available" will be entered. The theater of operations in which the action occurred may be entered if exact location is not recorded.

e. Item 32(l) (Remarks): if the individual lost any time under section 6(a) Act of 5 May 1950, appendix 2b, MCM, US., 1951, enter the total number of days lost. Any time lost subsequent to normal expiration of term of service will be shown separately. Inclusive

dates are not required. Examples: "4 days lost under Sec 6(a), Act of 5 May 1950, app 2b, MCM, US, 1951", "days lost subsequent to normal ETS".

4. Army Regulation 635-8 (Separation Documents), currently in effect, provides for the preparation and distribution of the DD Form 214. Block 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized). List all federally recognized awards and decorations for all periods of service. Do not use abbreviations.

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)), in effect at the time, shows:

a. His unit, 498th Medical Company (Vietnam), was awarded the Meritorious Unit Commendation by Department of the Army General Orders Number 48, 1968, for the period 20 September 1968 to 31 August 1967.

b. He participated in two campaigns while in Vietnam:

- Vietnam Counteroffensive, Phase II, 1 July 1966 – 1 May 1967
- Vietnam Counteroffensive, Phase III, 1 June 1967 – 29 January 1968

//NOTHING FOLLOWS//