

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 August 2024

DOCKET NUMBER: AR20230015075

APPLICANT REQUESTS:

- reconsideration of his previous request to award the Purple Heart
- as new contentions, award of the following:
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation with 2 palms
 - Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
 - Valorous Unit Award with oak leaf cluster
 - Army Commendation Medal (ARCOM)

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), 17 November 1969
- 2d Battalion, 47th Infantry awards list
- Support letter (T.W.F.)
- Support letter (J.J.)
- Photos
- Letter (J.J.)
- Photo postcard
- Virtual wall of Vietnam Veterans Memorial (12 pages)

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20080006035 on 12 June 2008.
2. The applicant states awards were not reflected on his DD Form 214. His records were lost in Vietnam and that his DD Form 214 does not reflect accurately the unit and personal awards that he received.

3. The applicant enlisted in the Regular Army on 18 November 1966. He held military occupational specialty 11B, Light Weapons Infantryman.

4. The following orders in his available service records were not reflected on his DD Form 214 and will be administratively corrected:

- Special Orders (S.O.) Number 27 awarded the Expert Badge with M-14 Rifle Bar
- S.O. Number 059 awarded the Marksman Badge with M-16
- S.O. Number 063 awarded the First Class Gunner Badge with M-60 Machinegun

5. His DA Form 20 shows he served in Vietnam from 29 May 1967 until 26 May 1968, assigned to Company A, 2d Battalion, 47th Infantry of the 9th Infantry Division from 15 June 1967 until 26 May 1968. It also shows:

- He had excellent conduct and efficiency ratings throughout
- He had unknown rating while a student at Fort Knox, KY for 11B school

6. He was honorably released from active duty on 17 November 1969. His DD Form 214 shows he completed 3 years net service this period. It also shows he was awarded or authorized:

- National Defense Service Medal
- Combat Infantryman Badge
- Vietnam Service Medal with one bronze service star
- Vietnam Campaign Medal with 1960 Device

7. There is no evidence in the available records which show he was awarded the Purple Heart or was wounded as a result of hostile action in Vietnam.

8. The applicant's DA Form 20 (Enlisted Qualification Record) does not show entitlement to the Purple Heart and item 40 (Wounds) on his DA Form 20 is blank. The applicant's name does not appear on the Vietnam Casualty Roster.

9. The applicant provides:

- 2d Battalion, 47th Infantry awards list from an internet search
- Support letter (T.W.F.) the company commander during the applicant's time in Vietnam describing the explosion of the armored personnel carrier (APC) on 7 March 1968 (entire letter is available for the boards review)
- Support letter (J.J.) describing his view on the explosion of the APC (entire letter is available for the boards review)
- Photos of the APC

- Letter (J.J.) written on Purple Heart letter head stating he made copies of the pictures for the applicant and welcoming him home
- Photo postcard from Vietnam in 2003 from J.J.
- Virtual wall of Vietnam Veterans Memorial (12 pages) with five members of the Company A, 2d Battalion, 47th Infantry, 9th Infantry Division that were killed from the explosion on 7 March 1968

10. His available service records does not contain an order awarding him the ARCOM. 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 Awards and Decorations Branch of the U.S. Army Human Resources Command, failed to reveal any orders for [ARCOM].

11. By regulation (AR 600-8-22) states 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 medical personnel, and the medical treatment must have been made a matter of official record.

12. There is no derogatory information in his file that would have disqualified him from receiving the Army Good Conduct Medal.

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 or injury that 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 noted the statements related to the APC explosion. However, there is no evidence in the service record to corroborate these statements. 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 18 November 1966 to 17 November 1969, completing a total of 3 years of continuous active duty service. Except for an "Unknown" conduct and efficiency ratings during training, he received excellent conduct and efficiency ratings throughout. 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 partial amendment of the ABCMR's decision in Docket Number AR20080006035, dated 12 June 2008. 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 18 November 1966 through 17 November 1969,
- 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



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. His DD Form 214 for the period ending 4 January 1970, will be administratively corrected without Board action to show award of the:

- [DELETE] Vietnam Service Medal with bronze service star
- [ADD] Vietnam Service Medal with four bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
- Valorous Unit Award with one Oak Leaf Cluster
- Expert Marksmanship Qualification Badge with M-14 Rifle Bar
- Marksman Marksmanship Qualification Badge with M-16
- First Class Gunner Marksmanship Qualification Badge with M-60 Machinegun

REFERENCES:

1. Army Regulation (AR) 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Purple Heart is awarded to any member who, while serving under competent authority in any capacity with one of the Army Services, has been wounded or killed or who has died or may hereafter die after being wounded:

- (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 a result of an act of any such enemy of opposing armed forces;

(5) As a result of an act of any hostile foreign force;

(6) After 23 March 1973, as a result of an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of the Army, or jointly by the Secretaries of the separate armed services concerned if persons from more than one service are wounded in the attack;

(7) After 28 March 1973, as a result of military operations while serving outside the territory of the United States as part of a peacekeeping force; or

(8) Members killed or wounded by friendly fire.

b. Substantiating evidence must be provided to verify that 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.

c. When contemplating eligibility for the PH, the two critical factors commanders must consider are the degree to which the enemy or hostile force caused the wound and whether the wound was so severe that it required treatment by a medical officer. Some examples of enemy-related actions that justify eligibility for the PH are as follows:

(1) Injury caused by enemy bullet, shrapnel, or other projectile created by enemy action.

(2) Injury caused by enemy emplaced trap, mine, or other improvised explosive device.

(3) Injury caused by chemical, biological, or nuclear agent released by the enemy.

(4) Injury caused by vehicle or aircraft accident resulting from enemy fire.

(5) Smoke inhalation injuries from enemy actions that result in burns to the respiratory tract.

(6) Perforated eardrum caused by enemy action (two critical factors to consider are the degree to which the enemy or hostile force caused the wound and whether the wound was so severe that it required treatment by a medical officer).

(7) Concussions or mild traumatic brain injury (mTBI) caused as a result of enemy-generated explosions that result in either loss of consciousness or restriction from full duty due to persistent signs, symptoms, or clinical finding or im-paired brain function for a period greater than 48 hours from the time of the concussive incident.

d. It is not intended that such a strict interpretation of the requirement for the wound to be caused by direct result of hostile action be taken that it would preclude the award being made to deserving personnel. Commanders must take into consideration the circumstances surrounding a wound.

3. Department of the Army General Order (DAGO) 5, 1968 awarded the Valorous Unit Award to 2d Battalion, 47th Infantry for the period 31 January 1968 and another award from 6-12 May 1968.

4. DAGO 31, 1969 awarded the Republic of Vietnam Gallantry Cross with Palm to 2d Battalion, 47th Infantry for the period 1 December 1966 – 30 June 1968.

5. DAGO 59, 1969 awarded the Republic of Vietnam Civil Actions Honor Medal, First Class to 2d Battalion, 47th Infantry for the period 19 December 1966 – 28 June 1969.

6. Army Regulation 672-5-1 (Awards), 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, 1 year served entirely during the period 7 December 1941 to 2 March 1946; 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.

//NOTHING FOLLOWS//