

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 November 2024

DOCKET NUMBER: AR20240000242

APPLICANT REQUESTS: reconsideration of his previous request for award of the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- Standard Form 600 (Chronological Record of Medical Care), 6 September 1966 and 30 January 1967
- Army Board for Correction of Military Records (ABCMR) Record of Proceedings (ROP), 20 November 2012
- ABCMR Denial Letter, 27 November 2012
- Request Form for Congressional Assistance, 21 August 2023

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the ABCMR in Docket Number AR20120009381 on 20 November 2012.

2. The applicant states:

a. He would like to be reconsidered for a Purple Heart for a shrapnel wound that occurred in Vietnam in January of 1967. According to the Purple Heart Association a person who sustains a wound from an enemy act would receive this honor; he was wounded in January 1967, from an act from the Vietnamese enemy. He only wants the recognition for his wounds like his fellow Soldiers. While serving, he worked with the Korean Republic of Korea (ROK) Marines and during that time the Vietcong shot a mortar into the compound. He was hit in the head with shrapnel and taken to a field hospital for medical care, resulting in stitches/clamps to close his wound. He believes the attached field hospital paper shows evidence of this enemy act.

b. Due to the initial denial of his Purple Heart, he was disappointed, discouraged and thought his attempts were exhausted; however, after speaking with American Legion officers, they suggested that he continue his pursuit of his Purple Heart

recognition. The commander of the Purple Heart Association also indicated that his experience and denial was a common occurrence to his fellow brothers in arms that were also wounded in Vietnam. He was encouraged to continue pursuit of this deserving honor. He feels the information on his medical form does not tell the entire story of his injury.

3. A review of the applicant's service record shows:

a. He was inducted into the Army of the United States on 6 October 1965.

b. DA Form 20 (Enlisted Qualification Record) shows he was assigned to Company A, 14th Engineer (Combat) Battalion and served in Vietnam from 27 September 1966 to 14 March 1967. It also shows:

- item 40 (Wounds): no entry
- item 41 (Awards and Decorations):
 - National Defense Service Medal
 - Vietnam Service Medal
 - Republic of Vietnam Campaign Medal
 - Army Good Conduct Medal
 - Two Overseas Service Bars
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Marksman Marksmanship Qualification Badge with Pistol Bar (.45)

c. On 17 September 1967, he was honorably released from active duty and was transferred to the U.S. Army Reserve Control Group (Annual Training) to complete his remaining service obligation. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he completed 1 year, 11 months, and 12 days of active service. It also shows in item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Army Good Conduct Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Marksman Marksmanship Qualification Badge with Pistol Bar (.45 caliber)

d. DD Form 215 (Correction to DD Form 214), dated 25 February 2015, deleted the Vietnam Service Medal and added:

- Vietnam Service Medal with two bronze service stars
- Meritorious Unit Commendation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

e. The available service record is void of any documentation showing the applicant was awarded the Purple Heart. His name is not contained on the Vietnam casualty roster, a compilation of most of those who were wounded in Vietnam, which is used to verify eligibility for the Purple Heart.

f. In ABCMR Docket Number AR20120009381, a review of the Awards and Decorations Computer Assisted Retrieval System, maintained by the U.S. Army Human Resources Command, failed to reveal any orders for the Purple Heart pertaining to the applicant.

4. The applicant provides:

a. One page of his Chronological Record of Medical Care with entries, dated 6 September 1966 and 30 January 1967. For the entry dated 30 January 1967 it states the applicant received medical treatment for a one-inch laceration to his eyebrow and was returned to duty. In the margins of the 30 January 1967 entry there is a handwritten note that states, "this laceration was due to shrapnel from mortar attack by Vietcong attack while on duty with the Korean ROK Marines at Cam Tanh Bay, while attached to the 101st Airborne."

b. ABCMR Docket Number AR20120009381 dated 20 November 2012 in which the Board denied the applicant's request based on his failure to show evidence he was wounded, and his record did not support him being wounded by enemy action.

c. A denial letter dated 27 November 2012, informing the applicant that his request to the Board had been denied and that he may request reconsideration of this decision within one year by letter only if he could present new evidence or argument that was not considered by the Board.

d. Request for Congressional Assistance dated 21 August 2023 to the applicants State Senator soliciting support with being awarded a Purple Heart for a wound he received while serving in Vietnam.

5. On 20 November 2012, the ABCMR rendered a decision in Docket Number AR20120009381. The Board noted:

a. While the sincerity of the applicant's claim that he was wounded in Vietnam is not in doubt, he failed to show through the evidence of record and the evidence submitted with his application that he was wounded as a result of enemy action.

b. Therefore, in the absence of such evidence, there appears to be no basis to award him the Purple Heart at this time.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 Board determined 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 did not find documentary evidence that clearly or explicitly shows criteria for award of the Purple Heart, despite the applicant's handwritten entry. Based on the evidence, the Board determined the applicant does not meet the criteria for award of the Purple Heart.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for amendment of the ABCMR decision rendered in Docket Number AR20120009381 on 20 November 2012.

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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.

REFERENCE:

Army Regulation (AR) 600-8-22 (Military Awards) states 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) Members killed or wounded by friendly fire.

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.

//NOTHING FOLLOWS//