

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 September 2024

DOCKET NUMBER: AR20240000604

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

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

- DD Form 149 (Application for Correction of Military Record), 26 November 2023
- Standard Form (SF) 600 (Medical Record), 27 October 1968
- DD Form 214, 1 May 1970

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 in a rocket attack in October 1968. His service treatment record shows he sustained injuries to his left hand due to a rocket attack while in Vietnam and he should have been awarded the Purple Heart.
3. The applicant provides a copy of an SF 600 with the hand-written entry, "Skin taken off palm of (Left) hand last night in rocket attack."
4. A review of the applicant's record confirms he is eligible for awards that are not recorded on his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.
5. A review of the applicant's available service record shows:
  - a. On 2 May 1968, he was inducted into the Army of the United States. He was awarded military occupational specialty 68B (Aircraft Engine Repairman).
  - b. He completed service in Vietnam from 20 October 1968 to 18 October 1969 and participated in four campaigns.

c. General Orders (GO) Number 4357, by Headquarters, 1st Aviation Brigade, dated 3 September 1969, awarded him the Army Commendation Medal for meritorious service for the period October 1968 to October 1969.

d. His DA Form 20 (Enlisted Qualification Record) is not contained in the available records; GO Number 4357 shows he was assigned to Troop A, 3d Armored Squadron, 17th Air Cavalry. During the period of his service at this unit, Troop A, was awarded:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal, First Class

e. On 1 May 1970, he was honorably released from active duty and transferred to control of the U.S. Army Reserve Control Group (Annual Training). His DD Form 214 shows he completed 2 years of active service with no lost time. His DD Form 214 shows he was awarded or authorized:

- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14) and (M-16)
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- 1 overseas bar
- National Defense Service Medal

f. His records are void of orders for the Purple Heart and void of any medical documentation showing he received wounds in Vietnam as the result of enemy actions.

6. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for the Purple Heart pertaining to the applicant.

7. The applicant's name is not shown on the Department of the Army Office of the Adjutant General Casualty Division Casualty Reference Name Listing for the period 1 January 1961 through 30 June 1973, a battle and non-battle listing of Soldiers who were killed, wounded, sick, captured, or missing during their service in Vietnam.

8. By regulation (AR 600-8-22), 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.

9. DA Pamphlet 672-3 (Unit Citations and Campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict.

a. DA General Orders Number 21, dated 1978, awarded Troop A, 3d Squadron, 17th Cavalry, the Republic of Vietnam Gallantry Cross Unit Citation with Palm for service in Vietnam for the period of 1 August 1968 to 31 October 1968.

b. DA General Orders Number 43, dated 1970, awarded Troop A, 3d Squadron, 17th Cavalry, the Republic of Vietnam Civil Actions Honor Medal First Class for service in Vietnam for the period of 1 August 1968 to 31 October 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 not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. 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 applicant provides a copy of an SF 600 with the hand-written entry, "Skin taken off palm of (Left) hand last night in rocket attack." The Board did not find any evidence in the official record that corroborates the hand-written entry made on the SF 600 provided by the applicant or the circumstances of the incident. Therefore, the Board determined there is insufficient evidence to support award of the Purple Heart.

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:

Except for the correction addressed in Administrative Note(s) below, 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 correction of the records of the individual concerned.

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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):

A review of the applicant's service records show he is authorized awards not annotated on his DD Form 214 for the service period ending 1 May 1970. As a result, amend his DD Form 214 to show:

- Army Commendation Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal, First Class
- four bronze service stars to his previously issued Vietnam Service Medal

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 (USARV) Regulation 672-5-1 (Decorations and Awards), in effect during the Vietnam era, prescribed policies, responsibilities, and criteria for awards in order to insure prompt and proper recognition of individuals. The regulation stated:

a. The Purple Heart may be awarded to U.S. personnel who are wounded or killed in action as a direct result of enemy action.

b. A wound for which the award is made must have required treatment by a medical officer and records of medical treatment for wounds or injuries received must have been made a matter of official record.

c. Authority to award the Purple Heart was delegated to hospital commanders. Further, 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), currently in effect, prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. It provides:

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 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. One silver service star is used to denote service during five campaigns.

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

a. Troop A, 3d Squadron, 17th Cavalry, was awarded:

- Republic of Vietnam Gallantry Cross Unit Citation with Palm, by Department of the Army General Orders (DAGO) Number 21, 1978, for the period 1 August 1968 to 31 October 1968
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation by DAGO Number 43, 1970, for the period 1 August 1968 to 31 October 1968

b. The applicant completed service in Vietnam during the following campaigns:

- 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
- Vietnam Summer – Fall I 1969, 9 June 1969 – 31 October 1969

//NOTHING FOLLOWS//