

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 September 2024

DOCKET NUMBER: AR20240000771

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) by adding the Purple Heart and Bronze Star Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant's statement
- Department of Veterans Affairs (VA) Health Summary document, 18 November 2023

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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. VA medical records recently uncovered reflect the award of the Bronze Star Medal and Purple Heart. His original 201 file [Military Personnel Records Jacket] is at the bottom of the Perfume River, Hue, Vietnam. It was lost during Tet of 1968. Major [REDACTED] [REDACTED] Commanding Officer of D Company, 227th Assault Helicopter Battalion (AHB), 1st Cavalry Division, awarded the Bronze Star to him after Tet of 1968. Lost reports reflect this. Medics in Dak To during 1967 informed him he would be recommended for the Purple Heart. A medic in Hue informed him that he would be put in for the Purple Heart during Tet of 1968. VA medical records recently found reflect these awards.

b. In 1967, he was assigned to a LRRP (Long Range Reconnaissance Patrol)/Reconnaissance unit with the 4th Infantry Division. During April of 1967, while working near the Cambodian Border near Dak To, he sustained a wound from shrapnel believed to be from a Rocket Propelled Grenade. A medic informed him that he would be recommended for a Purple Heart. He never got it.

c. During late 1967 and 1968, he was now with the 1st Cavalry Division at Hue. He was assigned to D Company, 227th AHB as a door gunner on a UH-1C gunship. On 30 January 1968, Tet of 1968 kicked off. During an escort mission for a slick, he suffered shrapnel wounds near Tay Loc Airfield. A medic at a refueling point bandaged them and informed him that he would be recommended for a Purple Heart. He never got it. Prior to him leaving the 1st Cavalry Division, his Commanding Officer, Major [REDACTED] awarded him a Bronze Star Medal. He has been unable to locate the document awarding him the medal. Recently, he needed to review his VA medical records. Therein he found, in addition to his Distinguished Flying Cross, documentation that he had been awarded the Bronze Star Medal and the Purple Heart. He has enclosed for the Board's reference a true and correct copy of the subject Department of Veterans Affairs document from its website that verifies the awards. Please know that his original 201 file had been lost during Tet when a barge carrying records for the 1st Cavalry Division had been sunk by the "North Vietnamese Army." He hopes that the VA document will prove sufficient.

3. A review of the applicant's official records show:

a. He enlisted in the Regular Army on 29 August 1966. The applicant completed training requirements and was awarded military occupational specialty 11B (Light Weapons Infantryman).

b. DA Form 20 (Enlisted Qualification Record):

- Item 31 (Foreign Service) shows service in Vietnam from 24 April 1967 through 22 April 1968
- Item 40 (Wounds) does not show he was wounded or injured
- Item 41 (Awards and Decorations) does not list the Purple Heart or Bronze Star Medal.

c. On 3 June 1969, he was honorably released from active duty and was transferred to the U.S. Army Reserve (USAR) Control Group (Reinforcement). His DD Form 214 does not list the Purple Heart or Bronze Star Medal.

d. On 26 July 1972, the Office of the Adjutant General, USAR Components Personnel and Administration Center published Letter Orders Number 07-1250040, which discharged the applicant from the Standby Reserve, effective 28 August 1972.

e. On 11 October 2006, in Docket Number AR20060004300 shows the Board determined that the evidence presented by the applicant was sufficient to warrant a recommendation for relief. As a result, the Board recommended that all Department of the Army records of the applicant be corrected by awarding him the Aircraft Crew Member Badge and showing, that, in addition to the awards shown on his DD Form

214, his authorized awards include the Aircraft Crew Member Badge and the Expert Marksmanship Qualification Badge with Rifle and Machinegun Bars.

f. On 9 May 2007, DD Form 215 (Correction to DD Form 214) shows the applicant's DD Form 214 ending on 3 June 1969 was corrected by:

(1) Deleting in item 24 the Vietnam Service Medal.

(2) Adding in item 24 the Combat Infantryman Badge, Aviation Badge, Vietnam Service Medal with four bronzer service stars, Presidential Unit Citation, Republic of Vietnam Gallantry Cross with Palm Unit Citation Badge, Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation Badge, Marksman Qualification Badge with Automatic Rifle, Machine Gun and Rifle Bars.

(3) Adding in item 30 (Remarks) "Service in Vietnam from 24 April 1967 to 22 April 1968".

4. The applicant's name did not appear on the Vietnam Casualty Roster and his service records did not contain orders awarding him the Purple Heart nor Bronze Star Medal.

5. The applicant provides a VA document created on 18 November 2023, which shows combat: "yes and wounded," and medals/awards: "Yes. Distinguished Flying Cross, Bronze Star, Purple Heart."

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.
2. The Board found the VA document provided by the applicant insufficient as a basis for adding the Purple Heart and Bronze Star Medal to his DD Form 214. The applicant's service records make no reference to him being wounded or being awarded a Bronze Star Medal. In the absence of Army records showing he was awarded these medals such as orders, the Board determined these medals should not be added to his DD Form 214 at this time.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF
: : : GRANT PARTIAL RELIEF
: : : GRANT FORMAL HEARING
[REDACTED] [REDACTED] [REDACTED] 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 correction of the records of the individual concerned.

3/6/2025



CHAIRPERSON

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.

REFERENCES:

1. Title 10, USC, 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 (AR) 635-5 (Personnel Separation - Separation Documents), in effect at the time, prescribes the separation documents that will be furnished to each individual who is separated from the Army. The instructions for item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) of the DD Form 214 state to enter from the DA Form 20 (Enlisted

Qualification Record) all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

3. AR 600-8-22 (Military Awards) implements a part of the Army Awards Program. It prescribes Department of the Army policy, criteria, and procedures for individual and unit military awards and foreign decorations and badges.

a. Paragraph 2-7 (Purple Heart), in pertinent part, states:

(1) The Purple Heart is awarded in the name of the President of the United States to any member of an Armed Force of the United States under the jurisdiction of the Secretary of the Army who, after 5 April 1917, has been wounded, killed, or who has died or may hereafter die of wounds received under any of the following circumstances: (a) In any action against an enemy of the United States. (b) 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. (c) 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. (d) As the result of an act of any such enemy or opposing armed force. (e) As the result of an act of any hostile foreign force.

(2) To qualify for award of the Purple Heart, the wound must have been of such severity that it required treatment, not merely examination, by a medical officer. A wound is defined as an injury to any part of the body from an outside force or agent. A physical lesion is not required. (a) Treatment of the wound will be documented in the member's medical or health record. (b) Award may be made for a wound treated by a medical professional other than a medical officer, provided a medical officer includes a statement in the member's medical record that the severity of the wound was such that it would have required treatment by a medical officer if one had been available to provide treatment.

b. Paragraph 3-16 (Bronze Star Medal) states, in pertinent part, Executive Order 11046 authorizes the Secretary of the Army to award the Bronze Star Medal to any person who, while serving in any capacity with the Army, or as a member of the armed forces of a friendly foreign nation, after 6 December 1941, distinguished themselves by heroic or meritorious achievement or service, not involving participation in aerial flight — (1) While engaged in an action against an enemy of the United States. (2) While engaged in military operations involving conflict with an opposing foreign force. (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.

//NOTHING FOLLOWS//