

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 September 2024

DOCKET NUMBER: AR20240000986

APPLICANT REQUESTS: 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 (SF) 600 (Chronological Record of Care)
- Department of Veterans Affairs (VA), Statement in Support of Claim

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 is requesting award of the Purple Heart for his injuries in Vietnam, in the line of duty.

3. The applicant provides:

a. The applicant provides the below a SF 600 dated 8 November 1969, to be referenced in the service record.

b. A Statement in Support of Claim provides additional details of the incident leading to his request in section II (Remarks). On 8 November 1969, Company D, 1st Battalion, 14th Infantry was attacked for the second time in two days at Fire Base St. George. As incoming rounds exploded, he was awakened in his bunker, grabbed his .45, and proceeded to his M-60 Machine Gun. In the dark, while making his way to the station, he felt the sandbag into the trench when a B-40 hit his right side, blowing him into the trench. He couldn't hear anything except a loud ringing in his ears. His assistant gunner helped him up, and he got to the M-60 to return fire. Later, as things calmed down, he realized he had been hit by shrapnel from the B-40 only when his assistant gunner

noticed blood on his right leg. He went to the medical station, where the shrapnel was removed from his right thigh, leaving a scar about an inch long.

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

a. He was inducted into the Army of the United States on 16 January 1969. He held military occupational specialty 11B, Light Weapons Infantryman.

b. His DA Form 20 (Enlisted Qualification Record) shows he served in Vietnam from 21 June 1969 to 6 June 1970. It also shows:

- item 31 (Overseas Service), service in Vietnam from 10 June 1969 to 9 June 1970
- item 38 (Record of Assignment), 23 May 1969, Enroute to Vietnam, 21 June 1969, assigned to Company D, 1st Battalion, 14th Infantry, 4th Infantry Division; and 6 June 1970, Enroute to Continental U.S.
- item 38 also shows he received excellent conduct and efficiency ratings
- Item 40 (Wounds): no entry
- item 41 (Awards and Decorations): National Defense Service Medal, Vietnam Service Medal, Combat Infantry Badge, Republic of Vietnam Campaign Medal with Device 1960, Overseas bars (2nd award), Republic of Vietnam Gallantry Cross with Palm, Army Commendation Medal, Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

c. The service record contains a SF 600 which shows:

- 8 November 1969, the applicant was treated by 1-14th Infantry Battalion aid station landing zone Saint George Run for shrapnel in the right side and right leg during mortar attack in the early morning
- 9 November 1969, the applicant returned due to infection in right leg
- 10 November 1969, the applicant returned for dressing change

d. General Orders Number 1219 dated 25 February 1970, awarded the applicant the Air Medal for meritorious achievement while participating in aerial flight in the Republic of Vietnam from 21 June 1969 to 12 February 1970.

e. General Orders Number 4464 dated 29 August 1970, awarded the applicant the Bronze Star Medal with "V" Device, for heroism in connection with military operations against an armed hostile force in the Republic of Vietnam.

f. On 16 November 1970, he was honorably released from active duty on 16 November 1970. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he completed 1 year, 10 months, and 1 day of active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Overseas Bars (2nd award)
- Combat Infantryman Badge
- Vietnam Campaign Medal with "1960" Device
- Expert Marksmanship Qualification Badge with M 60
- Army Commendation Medal
- Vietnam Gallantry Cross with Palm
- Sharpshooter Marksmanship Qualification Badge with (M-14 and M-16)

e. His name is not shown 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. A review of the Awards and Decorations Computer Assisted Retrieval System maintained by the U.S. Army Human Resources Command, which is an index of general orders issued during the Vietnam era between 1965 and 1973, failed to reveal any orders for the Purple Heart pertaining to the applicant.

5. A review of the applicant's record confirms he is eligible for an award and campaign credits 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.

6. A review of his service records also did not show he had any derogatory information such as lost time or conviction by a court-martial, that would have disqualified him from receiving the first award of the Army Good Conduct Medal.

6. By regulation, the Purple Heart is awarded for a wound/injury 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
- the medical treatment must have been made a matter of official record

**BOARD DISCUSSION:**

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Purple Heart: Grant. 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 noted the applicant's service record contains a Standard Form 600 which shows on 8 November 1969, the applicant was treated by 1-14th Infantry Battalion aid station for shrapnel in the right side and right leg during mortar attack in the early morning. He returned to the aid station the next two days due to an infection of the injury and for continued treatment. The Board determined there is sufficient evidence to show he met 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 16 January 1969 to 16 November 1970, completing a total of 1 year, 10 months, and 1 day of 3 continuous active duty service. He received excellent conduct and efficiency ratings. 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:

In addition to the correction addressed in Administrative Note(s) below, the Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by

- awarding the applicant the Purple Heart for wounds received in action on 8 November 1969
- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 6 January 1969 through 16 November 1970,
- adding award of the Purple Heart and Army Good Conduct (1st Award) to his DD Form 214

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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 additional awards and campaign credits not annotated on his DD Form 214 for the service period ending

16 November 1970. As a result, amend his DD Form 214 to show:

- Air Medal
- Bronze Star Medal with "V" Device
- Republic of Vietnam Actions Honor Medal, First Class
- three bronze service stars with his previously awarded 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. Army Regulation 600-8-22 (Military Awards) provides Army policy, criteria, and administrative instructions concerning individual military decorations.

a. The Purple Heart is awarded in the name of the President of the United States to any member of an Armed Force or any civilian national of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after 5 April 1917, has been wounded or killed, or who has died or may hereafter die after, being wounded:

- In any action against an enemy of the United States
- In any action with an opposing armed force of a foreign country in which the Armed Forces of the U.S. are or have been engaged
- While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party.
- As the result of an act of any such enemy of opposing Armed Forces
- As the result of an act of any hostile foreign force

3. The Purple Heart was established by General George Washington at Newburgh, NY on 7 August 1782 during the Revolutionary War. It was reestablished by the President of the United States per War Department General Orders Number 3 in 1932. It was awarded in the name of the President of the United States to any member of the Armed Forces or any civilian national of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after 5 April 1917, died or sustained wounds as a result of hostile action. Effective 19 May 1998, award of the Purple Heart is limited to members of the Armed Forces of the United States.

4. Department of the Army 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. Department of the Army General Orders (DAGO) Number 24, dated 1975, awarded the Republic of Vietnam Actions Honor Medal to 1st Battalion, 14th Infantry, for service in Vietnam for the period of 1 August 1967 to 31 October 1969.

5. 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//