

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 September 2024

DOCKET NUMBER: AR20240001090

APPLICANT REQUESTS:

- reconsideration of his prior request for the Army Commendation Medal (2nd Award)
- award of the Purple Heart
- award of the Bronze Star Medal

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)

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 AR2001053907 on 7 June 2001.

2. The applicant states he is requesting a review of his records as he never received his Purple Heart from Vietnam. He also believes he was awarded a Bronze Star Medal and a second Army Commendation Medal. He was in the hospital towards the end of his service and believes he was sent home as he was well enough to travel. If possible, he would like to get both the medals and citations. He would like it corrected as a matter of record for him and his family's remembrance of his military service.

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

a. On 4 October 1966, the applicant was inducted into the Army of the United States.

b. His DA Form 20 (Enlisted Qualification Record) shows in:

(1) item 31 (Foreign Service) – service in Vietnam from 5 September 1967 to 4 September 1968 (four campaigns)

(2) item 38 (Record of Assignments) – in Vietnam, he was assigned to the following units:

- Headquarters, Headquarters, Command, 15th Engineer Battalion, 9th Infantry Division, Vietnam, 16 September 1967 to 7 March 1968
- Company C, 15th Engineer Battalion, 9th Infantry Division, Vietnam, from 8 March 1968 to 20 July 1968
- He was in a patient status from 21 July 1968 to 27 August 1968

(3) item 40 (Wounds) – “NONE”

(4) item 41 (Awards and Decorations) –

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Army Commendation Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

c. On 3 September 1968, he was honorably released from active duty. His DD Form 214 shows he completed 1 year and 10 months of net service this period.

(1) He was awarded or authorized the National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with Device (1960), and the Army Commendation Medal.

(2) Item 30 lists administrative entries but not his service in Vietnam.

d. On 7 June 2001, in Docket Number AR2001053907 the applicant’s request for a second award of the Army Commendation Medal was denied.

4. 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 award of the Purple Heart, and the Bronze Star Medal pertaining to the applicant.

5. His records do not contain orders for a second Army Commendation Medal.

6. The applicant's name is not listed on the Vietnam Casualty roster.

7. By regulation (AR 600-8-22):

a. The Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. 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.

c. The Bronze Star Medal is awarded in time of war for heroism and for meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy, or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

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 no evidence indicating the applicant was awarded the Bronze Star Medal or a second award of the Army Commendation Medal. In the absence of military records confirming he was awarded these medals, the Board determined there is no basis for the correction the applicant seeks.

3. The Board found insufficient evidence to confirm the applicant was wounded as a result of hostile action to a degree that met the criteria for the Purple Heart. The Board determined the available evidence is insufficient as a basis for adding the Purple Heart to his record.

4. The Board concurred with the corrections described in Administrative Note(s) below.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

Other than the corrections addressed in Administrative Note(s) below, the Board determined 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 otherwise insufficient as a basis for correction of the records of the individual concerned.

X

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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's service records show he is authorized additional campaign credit not annotated on his DD Form 214. As a result, amend his DD Form 214 to show:

- Republic of Vietnam Gallantry Cross Unit Citation with Palm
- Republic of Vietnam Civil Actions Honor Medal, First Class
- four bronze service stars with his previously awarded Vietnam Service Medal
- Item 30 (Remarks): "Service in Vietnam from 19670905 to 19680904"

REFERENCES:

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

a. The Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. 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.

c. The Army Good Conduct Medal is awarded to on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) 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; (4) for the first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5) for the first award only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of the Army Good Conduct Medal as indicated in the Soldier's record: willingly complied

with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

d. 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.

e. The Bronze Star Medal is awarded in time of war for heroism and for meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy, or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

2. U.S. Army Vietnam (USARV) Regulation 672-5-1 (Decorations and Awards), 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. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)), in effect at the time, shows:

a. His unit, 2nd Battalion, 327th Infantry Regiment, was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation by DAGO Number 6, 1974, for the period 1 March 1971 to 9 October 1971.

b. He participated in two campaigns during his Vietnam service:

- Vietnam Counteroffensive, Phase VII, 1 July 1970 – 30 June 1971
- Consolidation I, 1 July 1971 – 30 November 1971

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam. This pamphlet shows the unit to which the applicant was assigned was cited for award of the following:

a. Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 1 December 1966 to 30 June 1968 by Department of the Army General Order Number (DAGO) 31, 1969.

b. Republic of Vietnam Civil Actions Honor Medal for the period 19 December 1966 to 28 June 1969, DAGO 59, 1969

5. Army Regulation 635-5 (Separation Documents) prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for the preparation of the DD Form 214 and states that the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. The DD Form 214 provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

- item 24, List all federally recognized awards and decorations for all periods of service
- item 30, for active-duty Soldiers deployed with their unit during their continuous period of active service, enter "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive date)"

//NOTHING FOLLOWS//