

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 October 2024

DOCKET NUMBER: AR20240001737

APPLICANT REQUESTS: on behalf of the Service Member (SM), issuance of a DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect:

- Combat Infantryman Badge
- Bronze Star Medal
- Purple Heart
- Army Good Conduct Medal
- American Defense Service Medal
- American Campaign Medal
- Asiatic-Pacific Theater Medal (w/ 1 bronze service star)
- World War II Victory Medal
- Honorable Service Lapel Button World War II
- Presidential Unit Citation

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

- DD Form 149 (Application for Correction of Military Record)
- Email communication
- Certificates of Death
- Certificates of Birth
- Assembling & Correlating Indirect Evidence in a Genealogical Case Study
- NA Form 13164 (Information Releasable Under the Freedom of Information Act)
- SF Number 57 (Application for Federal Employment)
- Form 992 (Application for Appointment, Reinstatement or Transfer)
- Company Morning Reports
- Personnel Roster
- Medical documents
- Veterans Administration letter

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 SMs military records are not available to the Board for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. It is believed his records were lost or destroyed in that fire. However, there were sufficient documents remaining in a reconstructed record to conduct a fair and impartial review of this case. This case is being considered using reconstructed records, which primarily consist of a NA Form 13164 (Information Releasable Under the Freedom of Information Act) and enlisted record.

3. On behalf of the SM, the applicant, a descendent (grandnephew) of the SM, provides that the SM was authorized the requested awards. Unfortunately, due to the absence of supporting documentation, the SMs grave marker does not reflect the Purple Heart or the Bronze Star Medal indicating that evidence of these medals was not available at the time of his passing in 1955. The applicant provides a genealogical account of the applicant's service in support of the requested relief.

4. A review of the SM's available service records reflects the following:

a. From 27 April 1939 – 22 July 1942, the SM served as an enlisted Soldier. During this period of service, the SM served as an Infantryman; Specialty is not clearly noted. The SM's Honorable Discharge Certificate is void of evidence of the SM sustaining any wounds during this period.

b. From 23 July 1942 – 14 March 1944, the SM served as an Officer. During this period of service, the SM served as an Infantry Corps Officer. The SM's authorized awards and decorations reflect the following: Asiatic-Pacific Theater Medal, World War II Victory Medal, Service Lapel button World War II and American Defense Service Medal.

5. On behalf of the SM, the applicant provides the following a:

a. Email communication, Certificates of Death, and Certificates of Birth reflective of the applicant's relationship with the SM.

b. Assembling & Correlating Indirect Evidence in a Genealogical Case Study reflective of the applicant's research conducted and the findings association in support of his submitted request. The applicant notes that the SM's brother always believed that the SM was previously authorized the Purple Heart for wounds sustained during the Battle of Guadalcanal. He notes that the SM was alleged to have been shot multiple times resulting in the loss of an eye. He was later medically retired.

1. The applicant provides that the SM enlisted in the Army on 27 April 1939 and served as an Infantryman with the 15th Infantry Regiment, 3rd Infantry Division, Fort Lewis, WA in various positions of increased responsibility to include squad leader and platoon sergeant. The SM participated in the attack on Pearl Harbor on 7 December 1941.

2. The applicant also notes that the SM was recognized for his leadership potential and subsequently sent to Officer Candidate School and appointed a Commission as an Infantry Officer on 23 July 1942. While serving as an Officer, the SM was assigned to C Company, 1st Battalion, 35th Infantry Regiment – a unit of the 25th Infantry Division. The applicant provides a chronological account of events occurring in the Battle of the Guadalcanal to include the assault of Japanese positions on Mount Austen which resulted in 144 killed enemy soldiers and the capturing of 17. The applicant notes that these details support the SM's authorization for the Combat Infantryman Badge and Bronze Star Medal.

3. The applicant provides that the SM engaged in offensive combat operations on 10 January 1943 of which were sustained until 14 January 1943. Medical documents reflect that the SM sustained injury to his left eye from the concussion associated with the impact of an enemy motor round which also injured 16 other Soldiers. Over the next several months, the SM experienced blurred vision presumed to be related to the side effects of malaria and dysentery. On 9 June 1943, he reported to sick call and was medically evacuated on 13 June 1943. During a medical examination conducted in September 1945, a physician determined that the SM's eye injury was the result of a traumatic aphakia i.e. an absence of the cornea from a perforating wound. An affidavit from a few days prior indicated that the SM's injury was incurred in combat. The applicant notes that these details support the SM's authorization for the Purple Heart.

4. The applicant provides that the SM served from 27 April 1939 – 22 July 1942 (approximately 27 months) as an enlisted Soldier. Further provided as evidenced by a service member in uniform, the applicant notes the presence of the Army Good Conduct Medal as evidence of the SM being previously authorized this decoration and or meeting the eligibility criteria.

5. The applicant provides that the SM meets the criteria to be authorized the Army Campaign Medal based upon his service outside of the Continental U.S., while serving in the Pacific Theater of Operations (Guadalcanal) from 1942 – 1943. Moreover, in the American Theater from 7 December 1941 – at least until 23 July 1942 when he graduated Officer Candidate School. The SM remained in Guadalcanal until he was medically evacuated on 13 July 1943 and later medically discharged on 14 March 1944.

6. The applicant provides that the SM was assigned to the 35th Infantry Regiment during the Battle of Guadalcanal. He notes that this unit was later recognized for their service during this action and awarded the Presidential Unit Citation.

7. In conclusion, the SM served as an Infantryman from 1939 – 1944. He participated in the Battle of Guadalcanal and was wounded in action. Based upon the evidence presented in support of his military service, the SM should be recognized by granting the requested relief.

c. SF Number 57 reflective of the SM submitted application for Civil Service.

d. Form 992 reflective of information pertaining to the SM's enlistment history. The SM notes that he was discharged due to a service-connected disability (left eye injury).

e. Company Morning Reports, reflective of information pertaining to the SM being medically evacuated on 12 June 1943.

f. Personnel Roster, reflective of the SM being assigned to the C Company, 35th Infantry November 1942 – May 1943.

g. Medical documents, reflective of healthcare received by the SM. He was seen on 11 June 1943 for blurred vision being experienced in his left eye. The SM noted that prior to receiving healthcare, he noticed blurred vision in his left eye. He acknowledged having malaria and dysentery approximately 6 months prior. However, he notes that shortly before, his unit sustained a "near miss" in which 16 fellow service members were shell shocked. The blurred vision increased gradually but varies based on his position. The SM was diagnosed with a dislocation of the lens in his left eye. The lens was later extracted from his eye. On 14 July 1943, a medical board convened in review of the SM's left eye injury (noted that this injury was the result of a concussion injury occurring in battle (14 January 1943). The board determined that the SM was unfit for continued military service (full duty) due to the need for prolonged hospitalization.

h. Veterans Administration letter, reflective of the SM's disability rating of 30 percent.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The SM's official records are not available for review. This made it impossible for the Board to establish his eligibility for any awards. As such, the Board compared the criteria for each award against the available evidence:

a. The SM's official records are not available for review. What is available shows the SM served as follows: Form 27 April 1939 – 22 July 1942, the SM served as an enlisted Soldier. During this period of service, the SM served as an Infantryman; Specialty is not clearly noted. The SM's Honorable Discharge Certificate is void of evidence of the SM sustaining any wounds during this period. Form 23 July 1942 – 14 March 1944, the SM served as an officer. During this period of service, the SM served as an Infantry Officer. The SM's authorized awards and decorations reflect the following: Asiatic-Pacific Theater Medal, World War II Victory Medal, Service Lapel button World War II and American Defense Service Medal.

b. Memoirs and self-authored narratives are insufficient by themselves, without an official document to corroborate and support each award. Based on review of records provided by the applicant, the Board makes the following determination:

(1) The World War II Victory Medal: No Action. This award is authorized and awarded for service between 7 December 1941 and 31 December 1946, both dates inclusive. The SM served during this period. This award is already awarded and listed.

(2) American Defense Service Medal: No Action. The SM served as an enlisted member from 27 April 1939 – 22 July 1942. The American Defense Service Medal is awarded for service between 8 September 1939 and 7 December 1941 under orders to active duty for a period of 12 months or longer. The SM served during this period. This award is already awarded and listed.

(3) Service Lapel Button. No Action. This button is already awarded and listed.

(4) Asiatic-Pacific Theater Medal. No Action. The duration of the SM's foreign service in the Pacific Theater of Operations is unknown. Therefore, a determination of bronze service stars to designate campaign participation cannot be determined.

(5) Combat Infantryman Badge: Deny. Although he held an infantry specialty, his unit of assignment is unknown. Additionally, there is no evidence of at least one encounter that conforms the SM was personally present while his infantry unit was actively engaging the enemy in ground combat.

(6) Bronze Star Medal: Deny. Award of the Bronze Star Medal requires a formal recommendation, approval through the chain of command, and announcement in orders. In the absence of orders or at least a recommendation, there is insufficient evidence to support this award.

(7) Purple Heart: Deny. There is no evidence the SM was wounded as a result of hostile action and his alleged wound/injury required treatment. There are also no contemporaneous medical records to confirm an injury.

(8) The Army Good Conduct Medal: Deny. This award is authorized to enlisted members. Although the SM served as an enlisted Soldier from 27 April 1939 – 22 July 1942, there are no official documents to confirm that his conduct and efficiency ratings were excellent throughout the period of service.

(9) American Campaign Medal: Deny. In the absence of the SM's official records, the Board cannot determine if he completed sufficient service in Continental United States to qualify for this award or meets other criteria for this medal.

(10) Presidential Unit Citation: Deny. The applicant's unit of assignment is unknown. There are no official documents to show his unit, the duration of assignment to such unit, and the specific order that awarded the unit a Presidential Unit Citation.

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 correction of the records of the individual concerned.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]
[REDACTED]

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) 600-8-22 (Military Awards) provides the following:

a. Combat Infantryman Badge basically has three requirements – the Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat. Specific requirements state, in pertinent part that an Army enlisted Soldier must have an infantry or special forces specialty, satisfactorily performed duty while assigned or attached as a member of an infantry, ranger or special forces unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat. Eligibility for special forces personnel (less the special forces medical sergeant) accrues from 20 December 1989. Retroactive awards for special forces personnel are not authorized. A recipient must be personally present and under hostile fire while serving in an assigned infantry or special forces primary duty, in a unit actively engaged in ground combat with the enemy.

b. Bronze Star Medal is awarded for heroism and for meritorious achievement or service in military operations against an armed enemy. The Bronze Star Medal is authorized for each individual who was cited in orders or awarded a certificate for exemplary conduct in ground combat between 7 December 1941 and 2 September 1945 or whose achievement or service, during that period, was confirmed by documents executed prior to 1 July 1947. An award of the Combat Infantryman Badge or the Combat Medical Badge is considered to be a citation in orders. This means, in effect, that the Bronze Star Medal is to be awarded to individuals who were authorized either badge for service during World War II.

c. Purple Heart is awarded in the name of the President of the U.S. to any member of an Armed Force of the United States under the jurisdiction of the SECARMY 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:

- 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 United States are or have been engaged

- 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
- As the result of an act of any such enemy or opposing armed force
- As the result of an act of any hostile foreign force
- While being taken captive or while being held as a POW
- After 6 December 1941, as a result of friendly weapon fire while directly engaged in armed conflict, other than the result of an act of an enemy of the United States, an opposing armed force, or hostile foreign force

1. 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. Treatment of the wound will be documented in the member's medical or health record. 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.

2. For the purposes of this award, a medical professional is a civilian physician or a physician extender. Physician extenders include nurse practitioners, physician assistants, and other medical professionals qualified to provide independent treatment (to include SF medics). Medics (such as combat medics) are not physician extenders. A medical officer is a physician with officer rank. The following are medical officers:

- An officer of the medical corps of the Army
- An officer of the medical corps of the U.S. Navy
- An officer in the U.S. Air Force designated as a medical officer

d. Army Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in active Federal military service. It is awarded on a selective basis to each Soldier who distinguishes themselves from their fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service, as outlined in this chapter. 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. Active Federal military service includes all periods of active duty. Service as a cadet at the U.S. Military Academy is considered to be active Federal military service for the purposes of military awards and decorations. Personnel eligible for the Army Good Conduct Medal are Regular Army enlisted Soldiers. Qualification period may commence anytime during the 3 years immediately preceding the 1 September 1982 effective date and may be awarded Retroactively, to

eligible Army of the United States enlisted personnel. Any one of the following periods of continuous enlisted active Federal military service qualifies for award:

- Each 3 years 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
- For first award only, upon termination of service on or after 27 June 1950, of less than 3 years but more than 1 year. Subsequent awards must be for a completion of 3 years of continuous enlisted active Federal military service
- For 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
- For 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

e. American Defense Service Medal is awarded for service between 8 September 1939 and 7 December 1941 under orders to active duty for a period of 12 months or longer. A clasp, with the inscription "Foreign Service," is worn on the American Defense Service Medal to denote service outside the continental limits of the United States, including service in Alaska, as a member of a crew of a vessel sailing ocean waters, flights over ocean waters, or as an assigned member of an organization stationed outside the continental limits of the United States. Possession of a clasp is denoted by the wearing of a bronze service star on the service ribbon.

f. American Campaign Medal is awarded for service within the American Theater between 7 December 1941 and 2 March 1946 under any of the following conditions:

- On permanent assignment outside the continental limits of the United States
- Permanently assigned as a member of a crew of a vessel sailing ocean waters for a period of 30 consecutive days or 60 nonconsecutive days
- Outside the continental limits of the United States in a passenger status or on TDY for 30 consecutive days or 60 nonconsecutive days
- In active combat against the enemy and was awarded a combat decoration or furnished a certificate by the CG of a corps, higher unit, or independent force that the Soldier actually participated in combat
- Within the continental limits of the United States for an aggregate period of 1 year

g. Asiatic-Pacific Theater Medal (w/ 1 Bronze Service Star) is awarded for service with the Asiatic-Pacific Theater between 7 December 1941 and 2 March 1946 under any of the following conditions:

- On permanent assignment in the Asiatic-Pacific Theater

- In a passenger status or on TDY for 30 consecutive days or 60 nonconsecutive days
- In active combat against the enemy and was awarded a combat decoration or furnished a certificate by the CG of a corps or higher unit or independent force showing that the Soldier actually participated in combat

h. World War II Victory Medal is awarded for service between 7 December 1941 and 31 December 1946, both dates inclusive.

i. Honorable Service Lapel Button World War II is authorized for service members who have performed honorable Federal military service between 8 September 1939 and 31 December 1946.

j. Presidential Unit Citation is awarded to units of the Armed Forces of the United States and cobelligerent nations for extraordinary heroism in action against an armed enemy occurring on or after 7 December 1941.

3. War Department Circular 269-1943 established the Combat Infantryman Badge and the Expert Infantryman Badge to recognize and provide an incentive to infantrymen. The Expert Infantryman Badge was to be awarded for attainment of certain proficiency standards or by satisfactory performance of duty in action against the enemy. The Combat Infantryman Badge was awarded for exemplary conduct in action against the enemy. War Department Circular 186-1944 further provided that the Combat Infantryman Badge was to be awarded only to infantrymen serving with infantry units of brigade, regimental or smaller size. Additionally, World War II holders of the Combat Infantryman Badge received a monthly pay supplement known as combat infantry pay and holders of the Expert Infantryman Badge were entitled to expert infantry pay. Therefore, Soldiers had economic as well as intangible reasons to ensure that their records were correct. Thus, pay records are frequently the best available source to verify entitlement to this award. The Awards Branch, Total Army Personnel Command, has advised in similar cases that, during World War II, the Combat Infantryman Badge was normally awarded only to enlisted individuals who served in the following positions:

- Light machine gunner (604)
- Heavy machine gunner (605)
- Platoon sergeant (651)
- Squad leader (653)
- Rifleman (745)
- Automatic rifleman (746)
- Heavy weapons NCO (812)
- Gun crewman (864)

a. All Soldiers are provided basic combat skills training after they enter the Army. This is provided to ensure that all Soldiers have the survival skills to perform basic infantry missions when the need arises.

b. No other Soldier in combat is more exposed on a daily basis to the dangers and hardships of war and no other branch of the service suffers more casualties than the infantry. To maintain the prestige, uniqueness, and traditional value of the Combat Infantryman Badge, the criteria for award has changed little over the years.

4. Army Regulation 600-45 (Decorations), then in effect, which governed the award of Army decorations until 23 August 1951, stated the Purple Heart was awarded to citizens of the United States serving with the Army, who are wounded in action against an enemy of the United States, or as a direct result of an act of such enemy, provided such wound necessitated treatment by a medical officer. This regulation stated that for the purpose of considering an award of the Purple Heart, a "wound" is defined as an injury to any part of the body from an outside force, element, or agent sustained while in action in the face of the armed enemy or as a result of a hostile act of such enemy.

//NOTHING FOLLOWS//