

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 September 2024

DOCKET NUMBER: AR20240001945

APPLICANT REQUESTS:

- to be awarded a second Purple Heart for his injuries on or about May or June 1967
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Letter
- Photos
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
- Vietnam Purple Heart Claim File

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 that he is requesting the inclusion of his second Purple Heart in his military record for moral reasons. He earned two Purple Hearts during the Vietnam War; the first was awarded for injuries sustained in March 1967 from a mine explosion on Highway 13, known for its intense conflict. While involved in clearing mines and providing security for an infantry division, he was knocked unconscious by an explosion that resulted in injuries to his neck, hands, and head. When he regained consciousness, he was hospitalized with severe injuries, including urinating blood, which led to the awarding of his first Purple Heart.

a. The second Purple Heart was earned in May or June 1967 during a night ambush patrol near the 11th Armored Cavalry Regiment's camp in Xuan Loe. The unit was

ambushed by Vietcong forces, triggering their booby traps. During the ensuing firefight, he was shot behind the left knee and sustained fragmentation wounds in the same area. After initial treatment at the base camp, he developed a significant infection in his knee due to a piece of corroded metal fragmentation, putting him at risk of amputation. The doctor provided him with two treatment options: remove the metal fragment and undergo a painful antibiotic treatment or face potential amputation. Opting against amputation at such a young age, he expressed a strong desire to avoid that outcome at all costs. Fortunately, the wound began to improve several days later, leading to his full recovery.

b. A few weeks later, a ceremony was held at the camp to award the Purple Heart to those injured or killed during the ambush, and he received his second Purple Heart then. However, the applicant is troubled that this second Purple Heart does not appear in either his medical or military files, particularly given the seriousness of his medical situation that could have led to an amputation. He speculates that the second Purple Heart may have been mistaken for the first due to the close timing of the events and the inadequacies in the documentation process.

c. Reflecting on his military career, he admits that he made the mistake of not requesting his military records upon discharge, largely due to the stigma Vietnam veterans faced and the desire to move on from that chapter of his life. After completing his BA and MBA, he found success in the private sector and government jobs, choosing to forget his military experience for many years. However, in 2013, forty-five years later, he discovered that his military and medical records were in disarray.

d. Now, as he reaches the later stages of his life, with a daughter and three grandchildren who take pride in his military service, he feels compelled to clarify the discrepancies in his military history. His hometown has also requested that he provide a shadow box commemorating his military life, motivating him to rectify these issues with his records. He hopes to honor his service and ensure that his contributions are accurately recognized.

3. The applicant provides:

- a. Two photos of the applicant wearing a Purple Heart.
- b. A Vietnam Purple Heart Claim Form dated 19 June 2023, shows:
 - The evaluation of scar 1 and 2, left lower extremity and posterior trunk is continued as 0% disabling.
 - The evaluation of scar 3, left lower extremity is continued as 0% disabling.

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

a. He was inducted into the Army of the United States on 1 April 1966.

b. He served in Vietnam from 6 October 1966 to 20 October 1967. His DA Form 20 (Enlisted Qualification Record) shows:

- item 35 (Record of Assignments): 29 October 1966 to 5 October 1967, E Troop, 2nd Squadron, 11th Armed Cavalry Regiment, U.S. Army Pacific (USARPAC)
- item 40 (Wounds): 24 March 1967, shrapnel wounds right hand.
- item 41 (Awards and Decorations): National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with Device 1960, Combat Infantry Badge, Purple Heart, Oversea Service with 2 bars, Army Good Conduct Medal, Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14), Expert Marksmanship Qualification Badge with .45 Caliber Pistol.

c. General Orders Number 35 dated 1 April 1967, shows the applicant was awarded the Purple Heart for wounds received in connection with military operations against a hostile force on 24 March 1967.

d. He was honorably discharged from active duty on 29 March 1968. His DD Form 214 shows he completed 1 year, 11 months, and 29 days of active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal with Device (1960)
- Combat Infantryman Badge
- Purple Heart
- Oversea Service Bar (x2)
- Army Good Conduct Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar
- Expert Marksmanship Qualification Badge with Pistol Bar (.45 Caliber)

e. His name is listed once 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. The listing shows he was wounded on 24 March 1967.

5. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

6. By regulation (AR 600-8-22), 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 relief is warranted.

2. The Board considered the applicant's statement and the medical evidence he provided and found this evidence sufficient to confirm he is entitled to a second Purple Heart. The Board determined he should be awarded the Purple Heart (2nd Award) for wounds incurred on or about 31 May 1967, and his DD Form 214 should be corrected to reflect this award.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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 him the Purple Heart (2nd Award) for wounds incurred as a result of hostile action on or about 31 May 1967 and adding the Purple Heart (2nd Award) to his DD Form 214.

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.

REFERENCES:

1. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. Army Regulation 600-8-22 (Military Awards) provides Army policy, criteria, and administrative instructions concerning individual military decorations.

a. A bronze service star is authorized to denote participation in each designated campaign.

b. 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. Army Regulation 635-8 (Separation Processing and Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

5. 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 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross Unit Citation with Palm to Headquarters, United States Army Vietnam, for service in Vietnam for the period of 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//