

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 October 2024

DOCKET NUMBER: AR20240002431

APPLICANT REQUESTS: award of the Purple Heart to her deceased father.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- WD AGO Form 53-55 (Enlisted Record and Report of Separation – Honorable Discharge) for the period ending 31 July 1946
- Applicant's Certificate of Marriage, 29 June 1973
- Department of Veterans Affairs Letter, 15 June 2023
- Certificate of Death, 22 June 2023

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, the daughter of the deceased former service member (SM), states her father served at the Battle of Okinawa and was wounded during battle. He was concerned that his mother would receive a letter about him being wounded and being awarded the Purple Heart, so he did not accept the award. His family thought he later applied for the award after his active service. Upon his death on 22 June 2023, they learned that this was not the case. She requests award of the Purple Heart on his behalf.
3. The SM's World War II service records are limited.
4. The SM's WD AGO Form 53-55 shows:
 - a. He was inducted into the Army of the United States and entered active duty on 28 July 1944.

b. He departed the continental United States en route to the Central Pacific theater of operations on 19 February 1945.

c. He arrived in the Central Pacific theater of operations on 25 February 1945.

d. He departed the Central Pacific theater of operations en route to the continental United States on 9 July 1946.

e. He arrived in the continental United States on 19 July 1946.

5. The SM's WD AGO Form 100 (Separation Qualification Record) shows he performed various postal duties in Army Post Office Number 7 in Korea.

6. Headquarters, 184th Infantry Regiment, General Orders Number 8, 1 May 1945, awarded the SM the Combat Infantryman Badge for satisfactory performance of duty in ground combat against the enemy.

6. The Seventh Infantry Division Office of the Commanding General memorandum, 1 July 1946, authorized award of the Army Commendation Ribbon (later changed to the Army Commendation Medal) to the SM for outstanding and noteworthy service.

7. The SM's WD AGO 53-55 shows he was honorably discharged on 31 July 1946. He completed 7 months and 3 days of continental service and 1 year, 5 months, and 1 day of foreign service. The form further shows in:

a. item 33 (Decorations and Citations), he was awarded or authorized the:

- Army of Occupation Medal
- Asiatic-Pacific Campaign Medal
- Army Good Conduct Medal
- World War II Victory Medal

b. item 34 (Wounds Received in Action), "None."

8. Department of the Army Office of the Adjutant General, U.S. Army Records Center, Letter Orders, 13 January 1958, awarded the SM the Bronze Star Medal for exemplary conduct in ground combat against the armed enemy during the Ryukyus Campaign in the Pacific theater of operations while assigned to the 184th Infantry Regiment.

9. The SM's contemporaneous medical records are not available for review.

10. The applicant provided her marriage certificate showing the SM as her father, the SM's Department of Veterans Affairs summary of benefits letter, and his death certificate for consideration.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the SM's military records, the Board found that relief was not warranted. The Board carefully considered the applicant's contentions, the SM's military records , documents submitted in support of the request and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's request and SM's available military records, the Board found insufficient evidence that showed the SM's name on the casualty listing or notification to his family that he had been wounded. There is no medical record showing the SM received wounds caused by enemy forces that required treatment by medical personnel.
2. The Board determined that no documentation or supporting statements indicated the SM had loss of consciousness or restriction from full duty for a period greater than 48 hours due to persistent signs, symptoms, or physical finding of impaired brain function as specified in the criteria for award of the Purple Heart. Per the regulatory guidance on awarding the Purple Heart, the SM must provide or have in his service records substantiating evidence to verify that he was injured, the wound was the result of hostile action, the wound must have required treatment by medical personnel, and the medical treatment must have been made a matter of official record. Therefore, the SM did not meet the requirements for award of the Purple Heart and relief is denied.
3. 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:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.

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):

The SM is authorized administrative correction of his WD AGO Form 53-55 to show the following awards without Board action:

- Bronze Star Medal
- Army Commendation Medal
- Combat Infantryman Badge

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) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. While clearly an individual decoration, 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. The Purple Heart is awarded to any member of an Armed Force of the United States 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 a result of an act of any such enemy of opposing armed forces
- as the result of an act of any hostile foreign force

b. 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.

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

(2) The 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.

c. The Purple Heart is authorized for the first wound suffered under conditions indicated above; for each subsequent award an oak leaf cluster will be awarded to be worn on the medal or ribbon. No 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.

d. When contemplating eligibility for the Purple Heart, the two critical factors commanders must consider is the degree to which the enemy or hostile force caused the wound and was the wound so severe that it required treatment by a medical officer.

//NOTHING FOLLOWS//