

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 October 2024

DOCKET NUMBER: AR20240002581

APPLICANT REQUESTS:

- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Purple Heart
- a video and/or 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 Statement (handwritten)
- Self-Authored Statement (typed/notarized)
- Letter of Support (handwritten)
- Letter of Support (typed/notarized)
- Newspaper Article
- SF 180 (Request Pertaining to Military Records)
- DD Form 214, for the period ending 29 May 1968

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 applicant states he was under the impression that a Purple Heart was rewarded to a person that was shot during combat, not a shrapnel wound. He was awarded the Combat Infantryman Badge and during a firefight he was hit with shrapnel in his right knee.
3. A review of the applicant's service record confirm administrative entries were omitted from 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. The Board will consider his request for the award of the Purple Heart and an appearance before the Board via video or telephone.

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

a. He was inducted into the Army of the United States on 31 May 1966.

b. Special Orders Number 187 issued by Headquarters Fort Polk, dated 21 July 1966 indicates the applicant was awarded the Expert Marksmanship Qualification Badge with Rifle Bar (M-14) and Special Orders Number 251 issued by the same Headquarters, dated 29 September 1966 indicates he was awarded the First Class Qualification Badge with Machine Gun Bar M-60.

c. DA Form 20 (Enlisted Qualification Record) shows he served in Vietnam from on or about 10 November 1966 until on or about 5 November 1967 with B Company, 1st Battalion, 12th Infantry, 4th Infantry Division and B Company, 1st Battalion, 12th Infantry, 4th Infantry Division. It also shows:

- item 40 (Wounds): no entry
- item 41 (Awards and Decorations):
 - Combat Infantryman Badge
 - National Defense Service Medal
 - Vietnam Service Medal
 - Vietnam Campaign Medal
 - One Overseas Service Bar
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-14)

d. Special Orders Number 145 issued by Headquarters, U.S. Army Training Center and Fort Leonard Wood dated 24 May 1968; shows he was transferred to the U.S. Army Reserve (USAR) to complete his remaining service obligation.

e. On 29 May 1968, he was honorably released from active duty and his DD Form 214 shows he completed 1 year, 11 months, and 29 days of active service and 11 months and 27 days of foreign service. It also shows he was awarded or authorized:

- Expert Marksmanship Qualification Badge with Rifle Bar
- Combat Infantryman Badge
- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- One Overseas Service Bar

f. The available service record is void of any further documentation showing the applicant was awarded the Purple Heart.

5. The applicant's name is not listed 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.

6. The applicant provides:

a. A self-authored handwritten and a typed/notarized statement duplicating the events detailing his request to be awarded the Purple Heart. He says he was always under the impression that the Purple Heart was only awarded to persons shot during combat and not awarded for a shrapnel wounds. He is 77 years old and has been convinced by friends to continue the pursuit of receiving the Purple Heart. He specified that he was deployed to Vietnam between 1966 and 1967 with the B Company, 1st Battalion 12th Infantry, 4th Infantry Division, as an 11B10 (Light Weapons Infantryman). He completed basic training and advanced infantry training at Fort Polk where he was taught to be a fighting machine. In Vietnam he was a Light Weapons Infantryman and an assistant M-60 Gunner and was awarded the Combat Infantryman Badge. During one of the fire fights he was hit with shrapnel in his right knee and was medically evacuated by helicopter to a Forward Support Base where he received medical treatment. His knee was sewn up and he was also treated for jungle rot. He was never returned to the unit but instead was assigned as a Combat Courier in which Stars and Stripes wrote a story about him. He is proud that he served his country and would do it all over again.

b. A handwritten and typed/notarized letter of support from C- K-; both attachments indicate the same details stated by C- K-; he states after he completed high school, he was drafted into the Armed Forces and served two years in the U.S. Army with 14 months of it served in Vietnam with 4th Infantry Division. He met the applicant while serving in Vietnam and they became very good and close friends. He met the applicant in the medical tent where he was receiving medical treatment for an injury to his knee because of fragments from an enemy mortar/shrapnel. He noted that it was obvious the applicant would not be returning to combat with his unit. During his rehabilitation the applicant tried to assume a number of new jobs including a truck driver on base. But due to the extensive damage to his knee he could not drive a truck. After Vietnam they both returned home and have remained very close friends and talk daily now for almost 56 years.

c. A copy of newspaper article, according to the applicant is a story about him published in the Stars and Stripes of his new position as a Combat Courier after he was injured in Vietnam.

d. SF 180 the applicant submitted to the National Personnel Records Center requesting copies of his military records for personal use.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board determined 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 two letters of support provided by the applicant; however, did not find documentary evidence that clearly or explicitly shows criteria for award of the Purple Heart. Based on the evidence, the Board determined the applicant does not meet the criteria for award of the Purple Heart.

2. Prior to closing the discussion, the Board determined there was sufficient evidence, including his service from 31 May 1966 to 29 May 1968, a period of 1 year, 11 months, and 29 days. Based on this, the Board granted relief to correct the applicant's record to reflect award of the Army Good Conduct Medal (First Award). Additionally, the Board reviewed and concurred with the analyst of record's administrative note below to add additional awards authorized.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. 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.

2. Prior to closing the discussion, the Board determined the applicant was authorized an additional award not annotated on his DD Form 214. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 29 May 1968 by:

- awarding him the Army Good Conduct Medal (First Award) for the qualifying period 31 May 1966 to 29 May 1968
- adding the Army Good Conduct Medal (First 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 record shows his DD Form 214 omitted administrative entries in item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized). As a result, amend the DD Form 214 by adding in item 24:

- Vietnam Service Medal with 2 bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Meritorious Unit Commendation
- Valorous Unit Award
- First Class Marksmanship Qualification Badge with Machine Gun Bar (M-60)

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) 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.

3. AR 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Purple Heart is awarded for a wound sustained while in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify that 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.

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.

a. Department of the Army General Orders (DAGO) Number 10, dated 1968, awarded the Meritorious Unit Commendation to 4th Infantry Division and subordinate units for service in Vietnam for the period of 1 October 1966 to 31 August 1967.

b. DAGO Number 43, dated 1970, awarded the Valorous Unit Award to 1st Battalion, 12th Infantry and assigned units for service in Vietnam for the period of 11 November to 13 November 1966 and 1 January 1967 to 5 April 1967.

c. 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.

5. AR 635-5 (Separation Documents) in effect at the time prescribes the separation documents that will be furnished each individual who is separated from the Army. Source documents consist of all available records to include DA Form 20, and orders. Item 24; enter from section 9, DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized.

//NOTHING FOLLOWS//