

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 June 2025

DOCKET NUMBER: AR20240002582

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.

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

- DD Form 149 (Application for Correction of Military Record)
- Symptoms, Diagnosis, Treatment Medical Sheet

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 on 18 November 1968 he was injured in a mortar attack on base, Engineer Hill, Pleiku, Vietnam. He suffered cuts to his left forehead, bruises to his chest and right hip. He was told that he would be awarded the Purple Heart; however, he refused it at the time and would now like to have it awarded to him.
3. The applicant provides a medical document which shows on 18 November 1968 he sustained multiple injuries when he ran into a truck during a mortar attack in Vietnam.
4. A review of the applicant's service record shows:
 - a. The applicant's record is void of his DD Form 4 (Enlistment Record – Armed Forces of the United States). The DD Form 214 shows he enlisted in the Regular Army on 29 July 1966.
 - b. His DA Form 20 (Enlisted Qualification Record) does not list entries in Item 40 (Wounds) and shows his foreign service as follows:
 - France/Germany from 4 January 1967 to 13 February 1968
 - Vietnam from 24 March 1968 to 23 March 1969

c. The available service record does not include supporting documentation, to include orders of award of the Purple Heart.

d. On 23 March 1969, he was honorably released from active duty. The DD Form 214 shows he completed 2 years, 7 months and 25 days of active service. It also shows he was awarded or authorized the:

- National Defense Service Medal
- Vietnam Campaign Medal
- Vietnam Service Medal
- Two Overseas Service Ribbons
- Expert Marksmanship Qualification Badge (M-14) Rifle

5. Nothing in several typical sources show he was awarded the Purple Heart:

(1) His name is not shown on the Vietnam casualty listing. This is a listing of Vietnam era casualties commonly used to verify entitlement to award of the Purple Heart.

(2) His available personnel records do not contain an official Army message or a Western Union telegram notifying his next of kin of an injury or wound sustained in action. This was generally the proper notification procedure for injuries at the time

6. A review of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), an index of general orders (and in some instances special orders) issued during the Vietnam era between 1965 and 1973 maintained by the Military Awards Branch of the U.S. Army Human Resources Command, failed to reveal any orders for the PH pertaining to the applicant.

7. A review of the applicant's record confirms he is eligible for awards and campaign credits that are not recorded on 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.

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 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 majority did not find documentary evidence that clearly or explicitly shows criteria for award of the Purple Heart. Based on the evidence, the Board majority determined the applicant does not meet the criteria for award of the Purple Heart. The Board minority determined there was sufficient evidence to support award of the Purple Heart, including the medical document provided by the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:XX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XX	:XX	:	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.

X //signed//

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 awards not annotated on his DD Form 214 for the service period ending 20 June 1969. As a result, correct his DD Form 214 to show:

- Meritorious Unit Commendation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- a silver service star to his previously issued Vietnam Service Medal

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. U.S. Army Vietnam (USARV) Regulation 672-5-1 (Decorations and Awards), in effect at the time, prescribed policies, responsibilities, and criteria for awards to insure prompt and proper recognition of individuals. The regulation states, in part:

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. 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.

b. 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 more than 24 hours or evacuation from Vietnam would be awarded the Purple Heart directly by the hospital commander rendering treatment

3. Army Regulation 600-8-22 (Military Awards) states the Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons who have an infantry military occupational specialty (MOS). They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. Additionally, Appendix V of U.S. Army Vietnam (USARV) Regulation 672-1 states

that during the Vietnam era the Combat Infantryman Badge was awarded only to enlisted individuals who held and served in MOS 11B, 11C, 11D, 11F, 11G, or 11H.

4. Army Regulation 635-5 (Separation Documents) prescribed the separation documents that would be furnished each individual who was separated from the Army including Active-Duty Training personnel and established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20. In item 24, enter from section 9, all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

//NOTHING FOLLOWS//