

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 November 2024

DOCKET NUMBER: AR20240002661

APPLICANT REQUESTS: the spouse of the deceased service member (SM) 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)
- Certificate of Death
- Marriage Certificate
- PH certificate, dated 21 May 1967
- Western Union Telegram, dated 23 May 1967
- DD Form 214

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 service member (SM) was told that the Purple Heart was not listed in his records. He does have a certificate showing he was awarded the Purple Heart, and his medical records indicate a gunshot wound was treated while in Vietnam that matches the date of the certificate indicating the two are related. The SM attempted to get this corrected when he first learned of the error, but due to living in a rural area not near any VA Accredited Representative (VSO), it was difficult for him to do so. The service member has since passed away, but he was interested in getting this error corrected while he was alive, and his spouse is honoring that wish.
3. The applicant provides:
  - a. The service member's Certificate of Death shows a date of death of 25 March 2023

b. A Marriage Certificate that shows the applicant and the service member were wed, 17 February 1968

c. A PH award certificate that shows the SM was awarded the PH on 21 May 1967

d. A Western Union telegram dated 23 May 1967, states the SM was slightly wounded in Vietnam on 21 May 67, as a result of hostile action. He sustained metal fragment wounds to his right leg and right thigh. He was on ambush patrol when hit by fragments from a hostile grenade.

e. The service member's DD Form 214 with an effective date of 29 August 1969

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

a. He enlisted in the Regular Army 31 August 1966.

b. His DA Form 20 Enlistment Qualification Record, Block 31 (Foreign Service) shows he served in Vietnam from 16 February 1967 to 13 August 1969. He was assigned to Company C, 1st Battalion 27th Infantry and 116th Combat Aviation Battalion and served through five campaigns. It also shows in Block 41 (Awards and Decorations):

- National Defense Service Medal
- Republic of Vietnam Campaign Medal with device 1960
- Vietnam Service Medal
- Combat Infantryman Badge
- Three Overseas Service Bars
- Air Medal
- Purple Heart

d. The available service record also includes:

- Purple Heart Certificate, dated 21 May 1967
- Western Union Telegram, dated 22 May 1967
- Standard Form 89 (Report of Medical History), dated 25 June 1969, which states he was treated at 3rd Field Hospital, Saigon, Vietnam for gunshot wound age 20.
- General Orders # 88, dated 31 July 1969 show award of the Army Good Conduct Medal
- SM's name is listed on the Vietnam Casualty Roster.

f. He was honorably released from active duty on 29 August 1969. His DD Form 214 shows he completed 2 years, 11 months, and 29 days of active service. It also shows he was awarded or authorized:

- Vietnam Service Medal with 5 bronze service stars
- Republic of Vietnam Campaign Medal
- Air Metal
- National Defense Service Medal
- Combat Infantryman Badge

5. A review of the service record confirms he is eligible for awards that are not recorded on his DD Form 214. These awards will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

6. By regulation, 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

7. Department of the Army General Orders (DAGO) Number 48, dated 1971, awarded the Republic of Vietnam Gallantry Cross with Palm to 1<sup>ST</sup> Battalion 27<sup>th</sup> Infantry, for service in Vietnam for the period of January 1966 to August 1968.

8. Department of the Army General Orders (DAGO) Number 52, dated 1974, awarded the Valorous Unit Award to 116<sup>th</sup> Combat Aviation Battalion, for service in Vietnam for the period of 13 June to 23 September 1968.

9. DAGO Number 48, dated 1968, awarded the Meritorious Unit Commendation to 116<sup>th</sup> Combat Aviation Battalion, for service in Vietnam for the period of 1 January to 31 December 1967.

10. DAGO Number 51, dated 1971, awarded the Republic of Vietnam Civil Actions Honor Medal to 1<sup>ST</sup> Battalion 27<sup>th</sup> Infantry, for service in Vietnam for the period of 1 January 1966 to 21 January 1970.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the Western Union telegram stating the FSM was injured as a result of hostile fire and the Purple Heart not showing on the FSM's DD Form 214, the Board concluded there was an error or injustice warranting amending the FSM's service record showing he was awarded the Purple Heart for injuries incurred on 21 May 1967, while serving in Vietnam.

BOARD VOTE:

Mr 1	Mr 2	Mr 3
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GRANT FULL RELIEF



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## GRANT PARTIAL RELIEF

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## GRANT FORMAL HEARING

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## DENY APPLICATION

**BOARD DETERMINATION/RECOMMENDATION:**

1. The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the FSM's DD Form 214 by awarding and adding the Purple Heart for injuries incurred on 21 May 1967, while serving in Vietnam.

2. Prior to closing the case, the Board noted the administrative notes below from the analyst of record and recommended those changes also be completed to more accurately reflect the military service of the FSM.

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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:

A review of the service records show he is authorized additional awards not annotated on his DD Form 214 for the service period ending 8 September 1970. As a result, correct his DD Form 214 as follows:

- Delete: previously awarded Vietnam Service Medal w/ 5 bronze service stars
- Add:
  - Army Good Conduct Medal
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation
  - Republic of Vietnam Civil Actions Honor Medal, First Class
  - Valorous Unit Award
  - Meritorious Unit Commendation
  - Vietnam Service Medal with one silver service star

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) 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. 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 48, dated 1971, awarded the Republic of Vietnam Gallantry Cross with Palm to 1st Battalion 27th Infantry, for service in Vietnam for the period of January 1966 to August 1968.

b. DAGO Number 52, dated 1974, awarded the Valorous Unit Award to 116th Combat Aviation Battalion, for service in Vietnam for the period of 13 June to 23 September 1968.

c. DAGO Number 48, dated 1968, awarded the Meritorious Unit Commendation to 116th Combat Aviation Battalion, for service in Vietnam for the period of 1 January to 31 December 1967.

d. DAGO Number 51, dated 1971, awarded the Republic of Vietnam Civil Actions Honor Medal, First Class to 1st Battalion 27th Infantry, for service in Vietnam for the period of 1 January 1966 to 21 January 1970.

//NOTHING FOLLOWS//