

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 November 2024

DOCKET NUMBER: AR20240003363

APPLICANT REQUESTS:

1. Correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the service period ending 13 August 1969 to show award of:

- Purple Heart
- Combat Infantryman Badge
- Jungle Expert Training Award

2. 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
- DD Form 214, ending 13 August 1969

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 is requesting the Board examine his military records in order to verify his Purple Heart that was administratively missed when his DD Form 214 was typed for out processing during his separation on 13 August 1969. Furthermore, he is missing his Combat Infantryman Badge and Jungle Expert Training award; please research his active duty service records to confirm both of those awards. He would like his DD Form 214 to reflect all of his awards, specifically his Purple Heart for bravery during combat in the Republic of Vietnam, his Combat Infantryman Badge and Jungle Expert Training award.

3. A review of the applicant's official record shows the following:

a. He entered active duty as a commissioned officer on 28 August 1967.

b. Special Orders Number 77 dated 18 April 1968, issued by Department of the Army, Washington, D.C., and Special Orders Number 174 dated 20 August 1968 issued by Headquarters, U.S. Army Atlantic Area Installation Command ordered the applicant to Jungle Training for two weeks enroute to United States Army Vietnam (USARV).

c. Special Orders Number 291 dated 17 October 1968, issued by Headquarters, 1st Infantry Division, shows the applicant was assigned to Headquarters and Headquarters Battery, 1st Infantry Division Artillery, and was ordered to the Mortar Platoon, Combat Support Company, with attachment to 1st Battalion, 5th Artillery Regiment, with a report date of 3 September 1968.

d. Special Orders Number 162 dated 11 June 1969, issued by Headquarters, 1st Infantry Division, shows the applicant was assigned to the 90th Replacement Battalion for separation and transport to the Continental United States after service in USARV.

e. SF 88 (Report of Medical Examination) dated 16 July 1969 completed for separation shows in item 39 scars on the left forearm and right side of his face.

f. SF 89 (Report of Medical History) completed by the applicant and dated 16 July 1969, he states in item 17 (Statement of Examinee's Present Health in Own Words), "Excellent." And on a Statement of Medical Condition completed by the applicant dated 11 August 1969, he indicated that he underwent a separation examination more than 3 working days prior to his departure from place of separation and "there has been no change in his medical condition" since his last separation examination.

g. On 13 August 1969, he was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Reinforcement) to complete his remaining service obligation. His DD Form 214 shows he completed 1 year, 11 months, and 16 days of active service and 1 year and 1 day of foreign service. Item 23a (Specialty Number and Title) shows 1542 Infantry Unit Commander. Item 25 (Education and Training Completed) shows attendance at the United States Army Infantry School Infantry Officer Candidate Course (23 weeks – 1967), Red Eye Gunner Course and the Red Eye Missile Control Course. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal w Device (1960)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Bronze Star Medal

- Two Overseas Service Bars

h. DA Form 2464-R (Summary of Service for Reserve Promotion Purpose) dated 5 April 1971, completed by his battalion executive officer shows in item 13 (Military Education) attendance at the Jungle Survival School at Fort Davis with a completion date of 20 August 1968.

i. Orders Number D-12-055485 dated 6 December 1984 issued by Department of the Army U.S. Army Reserve Personnel Center honorably discharged the applicant from the Ready Reserves.

j. The available service record is void of an DA Form 66 (Officer Qualification Record and further documentation showing the applicant was awarded the Purple Heart or the Combat Infantryman Badge.

4. 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.

5. A review of the Awards and Decorations Computer Assisted Retrieval System maintained by the U.S. Army Human Resources Command, failed to reveal any orders for the Purple Heart pertaining to the applicant.

6. The applicant provides a self-authored statement dated 2 January 2024:

a. The applicant's service dates were 13 August 1968 through 13 August 1969, and he was assigned and served as the commander to E Company, 1st Battalion, 5th Artillery.

b. On Mother's Day, 11 May 1969 they received intelligence that they would be attacked. At approximately 1800 hours they received alarms that artillery and rocket rounds were hitting the Base Camp. He was running back to the company area and as he approached an ammo-dump it was hit by a rocket and the entire collection of ammo ignited resulting in him being hurled approximately 30 feet into a large tree causing him to lose consciousness. When he regained consciousness, he could not move; he had lost all feeling and control of his body and as he regained feeling he was able to reach his company area. He had a quick review from the medics and took control of the company and finished the battle.

c. He states the battalion assured him that they would file the necessary paperwork to award him a Purple Heart. The company was moved to Lai Kai, and he believes his paperwork got lost; he never received his Purple Heart. Please review available data and issue him his long awaited Purple Heart.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the Board made the following findings and recommendations related to the requested relief:

- Award and add Purple Heart: DENY, based upon the lack of corroborating evidence of an injury to the applicant incurred as a result of combat operations, to include the failure of the applicant's name being annotated in the ADCARS system for the Purple Heart.
- Award and add Combat Infantryman Badge: DENY, based upon the lack of evidence showing the applicant was directly involved in combat with an armed enemy
- Add Jungle Expert Training Award: PARTIAL GRANT, based upon the information reflected on the applicant's DA Form 2464-R, dated 5 April 1971, showing he completed Jungle Survival School on 20 August 1968, and that training is not currently reflected on the applicant's DD Form 214, the Board recommended adding the training to the applicant's DD 214.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by adding Jungle Survival School to Block 25 of his DD Form 214.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to awarding and adding the Purple Heart and/or the Combat Infantry Badge.

6/24/2025

X [REDACTED]

CHAIRPERSON
[REDACTED]

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. 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 and states:

a. 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.

b. 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. 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 66, and orders. Item 24; enter from item 21, DA Form 66 all decorations, service medals, campaign credits, and badges awarded or authorized. Item 25; enter service schools, including major courses which were successfully completed, and military sponsored courses completed in civilian schools and colleges during the period covered by the DD Form 214. Enter other courses of study and education level tests, if successfully completed, from the information contained in item 16 or 33, DA Form 66.

//NOTHING FOLLOWS//