

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 November 2024

DOCKET NUMBER: AR20240003510

APPLICANT REQUESTS: reconsideration of his previous request for 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:

- Reconsideration letter to add Purple Heart dated 23 January 2024
- Operational Report dated 9 September 1969

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20140001054 on 11 September 2014.
2. The applicant states he is requesting reconsideration based on new evidence that was not considered when the original claim was denied. The applicant also states he was wounded in the left knee by shrapnel from an exploding ammunition bunker caused by enemy sapper action and he was treated at a temporary aid station in the battalion day room some two miles from the explosion. Due to the confusion and the number of wounded, records were at a minimum or non-existent. He went on sick call for the wound the next day, but due to the workload and damage caused by the action at the ammunition area and the distance and time to go on sick call, he was unable to return for any more follow-up care. The wound closed with some first aid items and eventually healed.
3. The applicant provides an Operational Report Lessons Learned for the HQ, 184th Ordnance Battalion for the Period ending 30 April 1969. This report details action on 10 March 1969 for which he was awarded the Army Commendation Medal. The applicants feel due to intensity of the attack and confusion led directly to some medical treatments not fully documented.
4. A review of the applicant's service record shows:

- a. The applicant enlisted in the Regular Army on 4 January 1967.
- b. He served in military occupational specialty 76M (ammunition records clerk).
- c. He served in Vietnam from 7 December 1967 through 8 June 1969. His DA Form 2-1 (Enlisted Qualification Record) does not identify any injuries in Block 40 (Wounds). It also shows he was awarded or authorized:
 - National Defense Service Medal
 - two Meritorious Unit Commendation
 - Vietnam Service Medal
 - Vietnam Campaign Medal
 - Army Good Conduct Medal
 - two Overseas Service Bars
 - Drivers Mechanic Badge
 - Army Forces Reserve Medal
 - two Army Commendation Medal
 - Army Achievement Medal
 - Army Reserve Component Achievement Medal
 - Legion of Merit
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- d. He was honorably released from active duty on 12 December 1969, and he was transferred to the U.S. Army Reserve (USAA) Control Group (Reinforcement). He was credited with completing 2 years, 11 months, and 9 days of net active service. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) lists the:
 - National Defense Service Medal
 - Meritorious Unit Commendation
 - Vietnam Service Medal
 - Vietnam Campaign Medal
 - Army Commendation Medal
 - two overseas service bars
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- e. On 13 July 1971, a DD Form 215 (Correction to DD Form 214, Armed Forces of the United States Report of Transfer or Discharge) was issued adding the Army Good Conduct Medal to his 1969 DD Form 214.

5. There were no available orders authorizing or awarding the applicant a Purple Heart during his period of service in Vietnam.

6. On 11 September 2014, the ABCMR rendered a decision in Docket Number AR20140001054. The Board found there was insufficient evidence of record and the applicant provided none to show he sustained injuries as a result of enemy action during his period of service in Vietnam which clearly justified award of the Purple Heart. Additionally, his complete Army medical records, which are necessary to confirm that treatment was required, were not available for review. The Board determined there was insufficient evidence to support his request for award of a Purple Heart for his period of service in Vietnam.

7. His name is not shown 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.

8. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general 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 award of the Purple Heart pertaining to the applicant.

9. A review of the applicant's 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.

10. On 11 September 2014, the ABCMR rendered a decision in Docket Number AR20140001054. The Board noted the applicant's records that there is insufficient evidence of record and the applicant provided none to show he sustained injuries because of enemy action during his period of service in Vietnam which clearly justified award of the Purple Heart. Additionally, his complete Army medical records, which are necessary to confirm that treatment was required, are not available for review.

11. 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

12. Department of the Army General Order Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross with Palm for Headquarters, US Army Vietnam, and its subordinate units during the period of 20 July 1965 to 28 March 1973.

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. One potential outcome discussed was to deny relief based upon the lack of specific medical record showing the cause of the shrapnel wound to the applicant's left knee. However, based upon the information reflected on the applicant's "REPORT OF MEDICAL EVALUATION FOR DISABILITY EVALUATION," dated 6 March 1974 (specifically stating, "Two shallow small scars on the anterior aspect of the left knee, well healed. This is from shrapnel wound") and the information outlined in the Operational Report, dated 9 September 1969, the Board concluded there was sufficient evidence showing by a preponderance of the evidence that the applicant qualified for the Purple Heart for injuries sustained on 23 March 1969, while serving in Vietnam.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	:	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 relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the applicant's DD Form 214 by awarding and adding the Purple Heart for injuries sustained on 23 March 1969, while serving in Vietnam.
2. Prior to closing the case, the Board also noted the administrative notes below from the analyst of record and recommended those changes be completed to more accurately reflect the military service of the applicant.



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:

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 12 December 1969. As a result, correct his DD Form 214 to show:

- Republic of Vietnam Gallantry Cross Unit Citation with Palm
- one silver service star with his previously awarded Vietnam Service Medal

REFERENCES:

1. 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

2. 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.

3. 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. Department of the Army General Orders (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.

//NOTHING FOLLOWS//