

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 June 2025

DOCKET NUMBER: AR20240003518

APPLICANT REQUESTS: correction of his record to show he was awarded the Purple Heart. A personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Request Pertaining to Military Records – reflective of the applicant's submitted request for copies of his military records
- DD Form 214 (Armed Forces of the U.S. Report of Transfer or Discharge), 19 May 1970 – reflective of the applicant's active-duty service from 15 October 1968 – 19 May 1970
- DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty), 12 July 2021 – reflective of the DD Form 214 for the period ending on 19 May 1970 being corrected to reflect the addition of:
 - Combat Infantryman Badge
 - Korea Defense Service Medal
 - Expert Marksmanship Qualification Badge (w/ M-16 Rifle Bar)
 - Sharpshooter Marksmanship Qualification Badge (w/ M-60 Machine Gun Bar)
- Self-authored letter – reflective of the applicant's account of injuries that he sustained on 9 April 1969, while on patrol of the Demilitarized Zone (DMZ); struck by shrapnel on his left arm, neck and knee; medical care was provided by other Soldiers; a medic was not present
- Self-authored letter – reflective of Mr. R_L_, a fellow Soldier that was present on the DMZ when the applicant was injured; notes that a Rocket Propelled Grenade (RPG) exploded near the applicant's location; due to personnel shortages, not all patrols had medics; after action reports of incidents were rarely documented
- Self-authored letter – reflective of Mr. E_C_, a fellow Soldier that was present on the DMZ when the applicant was injured; notes that an RPG exploded near the applicant's location causing injury to his left shoulder, arm knee and right leg; medical care provided by other Soldiers

- Self-authored letter – reflective of Mr. R_W_, a fellow Soldier that was present on the DMZ when the applicant was injured; notes that the applicant sustained injuries to three areas of his body; medical care was provided by fellow Soldiers
- Medical documents and photographs – examination by a medical doctor determined that the applicant has evidence of scars consistent with shrapnel wounds to his left shoulder, upper arm, left knee and right thigh; the applicant presented the shrapnel that was removed from his right thigh

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 in part that:

- On 9 April 1969 – he sustained shrapnel injuries to his right leg, left arm, neck and knee while participating in a patrol along the DMZ
- Treatment was provided by other Soldiers to stop the bleeding because there was no medic present
- He was awarded the Combat Infantryman Badge for service performed on 12 April 1969
- Due to personnel shortages, he often went from one mission to another
- A piece of shrapnel was removed from his right leg about 4 years ago
- Injuries were not reported unless they were life threatening

3. A review of the applicant's available service records reflects the following:

- On 15 October 1968 – he was inducted into the Army of the United States with duty as an 11B (Light Weapons Infantryman)
- On or about 23 March 1969 – he was reassigned to the Republic of Korea (ROK) and further assigned to Alpha Company, 3rd Battalion, 23rd Infantry
- On or about 18 May 1970 – he departed the ROK for the U.S.
- On 19 May 1970 – he was honorably released from active duty and transferred to the U.S. Army Reserve (USAR) Control Group (Annual Training); DD Form 214, reflects:
 - National Defense Service Medal
 - Armed Forces Expeditionary Medal
 - Sharpshooter Marksmanship Badge (w/ M-14 Rifle Bar)

- On 25 September 1974 (Letter Orders Number 09-1293012) – he was honorably discharged from the USAR Control Group (Standby)

4. The applicant's records do not contain orders awarding the Purple Heart. Additionally, nothing in several typical sources show that the applicant was injured or wounded as a result of hostile action or that he was awarded the Purple Heart. 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 U.S. Army Human Resources Command, failed to reveal any orders for a Purple Heart pertaining to the applicant. Item 40 (Wounds) of his DA Form 20 (Enlisted Qualification Record) does not list an injury as a result of hostile action or a date for an injury.

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 and standard review based on law, policy and regulation. The governing regulation requires that an injury must be the direct result of enemy action to qualify for award of the Purple Heart. The evidence of record does not substantiate that the applicant was injured as a result of enemy action. No official orders or entries in the personnel system confirm award of the Purple Heart.

2. The medical documents provided, while reviewed, did not meet the regulatory criteria for entitlement. The Board carefully considered the applicant's supporting documentation but found it insufficient to establish eligibility under the governing regulation. The absence of official orders or verified documentation awarding the Purple Heart weighs heavily against the applicant's claim. The letters and medical records, though acknowledged, did not demonstrate a causal link between the applicant's injury and enemy action as required. Therefore, the Board denied relief.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	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.

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 (AR) 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. 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 672-5-1 (Decorations, Awards and Honors – Military Awards) provides that 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 US 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 United States are or have been engaged
- While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party
- As a result of an act of any such enemy of opposing armed forces; or
- As the result of an act of any hostile foreign force

a. For the purpose of considering an award of this decoration, a "wound" is defined as an injury to any part of the body from an outside force or agent sustained under one or more of the conditions listed above.

b. A wound for which the award is being made must have required treatment by a medical officer and records of medical treatment for wounds or injuries received in action as described above must have been a matter of official record.

//NOTHING FOLLOWS//