

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 June 2025

DOCKET NUMBER: AR20240004521

APPLICANT REQUESTS: award of the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Grandson's self-authored statement, 5 February 2024
- Sworn statement of deceased service member's date of birth
- Deceased Service Member's Certificate of Death, 29 January 2024
- Deceased Service Member's Marriage License and document, 28 August 1958
- War Department Statement of Military Service, 20 April 1944 with Social Security Act Card
- DA Form 1577 (Authorization for Issuance of Awards), 30 April 1986
- Veterans Administration Letter, 1 July 1959
- State Office of the Treasurer Letter, undated
- State Roster 1917-1920
- Picture of the World War I Victory Medal and World War I Victory Button (bronze)
- Picture of Deceased Service Member's Identification Tags

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, the grandson of the deceased service member, states his grandfather, a World War I veteran, should be awarded the Purple Heart for wounds suffered to his legs from mustard gas poisoning during World War I. He was eventually awarded a disability pension in May 1959. He believes he is entitled to the Purple Heart since he suffered from a chemical, biological, or nuclear agent as noted in regulatory guidance.

3. The deceased service member's complete military records are not available to the Board for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. It is believed that the deceased service member's records were lost or destroyed in that fire. However, there was a Statement of Military Service document recovered to reconstruct his record and that document along with the documents the applicant provides are sufficient for the Board to conduct a fair and impartial review of this case.

4. A War Department Statement of Military Service, dated 20 April 1944, shows the deceased service member entered active Federal service in the Army on 19 September 1917 and his service was honorably terminated on 9 May 1919.

5. The applicant provides:

a. A State Certificate of Death that shows the former service member died on 1 December 1982 at the age of 89. It shows he was a World War I veteran and had other significant conditions contributing to death but not related to cause as "burns of the lower extremities."

b. A marriage certificate showing the deceased service member and A_____ H_____ married on 17 December 1921.

c. A DA Form 1577 that indicates the deceased service member was authorized the World War I Victory Medal and the World War I Victory Button (bronze).

d. A Veterans Administration letter, dated 1 July 1959 that shows the deceased service member was awarded a monthly dollar amount for a disability pension commencing on 25 May 1959.

e. An undated State Office of the Treasurer letter that informed the deceased service member received a check as a token of appreciation for service performed during the war.

f. A State roster 1917-1920 that shows the deceased service member's name.

g. Two pictures that show a World War I Victory Medal and World War I Victory Button (bronze) and a picture of the deceased service member's identification tags.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the SM's military record, the Board found that relief was warranted. The Board carefully considered the SM's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon reviewing the applicant's petition and military records, the Board determined there was sufficient evidence to support that the service member sustained burns/wounds from a chemical, biological, or nuclear agent during World War II, affecting his lower extremities. Based on regulatory guidance, the wounds documented on the service member's death certificate from his WWII service, met the criteria for awarding the Purple Heart. As such, the Board granted relief."

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

XXX	XXX	XX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the Former Service Member service record for the period ending 9 May 1919 to show award of the Purple Heart.

//SIGNED//

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 600-8-22 (Military Awards) provides that the Purple Heart is an entitlement and differs from all other awards.

a. The Purple Heart is awarded to members of the Armed Forces 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, have been wounded, were killed, or who have died or may hereafter die of wounds received under any of the following circumstances:

- 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 the result of an act of any such enemy of opposing Armed Forces
- as the result of an act of any hostile foreign force
- after 28 March 1973, as a result of an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of the Army, or jointly by the Secretaries of

the separate Armed Services concerned if persons from more than one service are wounded in the attack

- after 28 March 1973, as a result of military operations while serving outside the territory of the United States as part of a peacekeeping force
- service members who are killed or wounded in action by friendly fire
- a former prisoner of war who was wounded before 25 April 1962 while held as a prisoner of war (or while being taken captive)
- service members killed or wounded in attacks by foreign terrorist organizations

b. 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 below. A physical lesion is not required. However, the wound for which the award is made must have required treatment, not merely examination, by a medical officer. Additionally, treatment of the wound will be documented in the service member's medical and/or health record. Award of the Purple Heart may be made for wounds treated by a medical professional other than a medical officer provided a medical officer includes a statement in the service member's medical record that the extent of the wounds was such that they would have required treatment by a medical officer if one had been available to treat them.

c. The key issue commanders must take into consideration when contemplating an award of this decoration is the degree to which the enemy caused the injury. The fact that the proposed recipient was participating in direct or indirect combat operations is a necessary prerequisite, but is not sole justification for award.

d. Examples of enemy-related injuries which clearly justify award of the Purple Heart are as follows:

- injury caused by enemy bullet, shrapnel, or other projectile created by enemy action
- injury caused by enemy-placed trap or mine
- injury caused by enemy-released chemical, biological, or nuclear agent
- injury caused by vehicle or aircraft accident resulting from enemy fire
- concussion injuries caused as a result of enemy-generated explosions
- mild traumatic brain injury or concussion severe enough to cause either loss of consciousness or restriction from full duty due to persistent signs, symptoms, or clinical finding, or impaired brain function for a period greater than 48 hours from the time of the concussive incident

e. Examples of injuries or wounds which clearly do not justify award of the Purple Heart are as follows:

- frostbite (excluding severe frostbite requiring hospitalization from 7 December 1941 to 22 August 1951)
- trench foot or immersion foot
- heat stroke
- food poisoning not caused by enemy agents
- chemical, biological, or nuclear agents not released by the enemy
- battle fatigue
- disease not directly caused by enemy agents
- accidents, to include explosive, aircraft, vehicular, and other accidental wounding not related to or caused by enemy action
- self-inflicted wounds, except when in the heat of battle and not involving gross negligence
- post-traumatic stress disorder
- airborne (for example, parachute/jump) injuries not caused by enemy action
- hearing loss and tinnitus (for example, ringing in the ears)
- mild traumatic brain injury or concussions that do not either result in loss of consciousness or restriction from full duty for a period greater than 48 hours due to persistent signs, symptoms, or physical finding of impaired brain function
- abrasions and lacerations (unless of a severity to be incapacitating)
- bruises (unless caused by direct impact of the enemy weapon and severe enough to require treatment by a medical officer)
- soft tissue injuries (for example, ligament, tendon, or muscle strains, sprains, and so forth)
- first degree burns

3. Mustard gas, introduced by the Germans in 1917, became one of the most notorious chemical weapons used during World War I, causing severe injuries and psychological trauma among soldiers. Soldiers exposed to the gas experienced severe chemical burns, respiratory damage, and long-term health issues, including chronic respiratory conditions and psychological effects.

//NOTHING FOLLOWS//