

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 March 2025

DOCKET NUMBER: AR20240004763

APPLICANT REQUESTS: in effect:

- Purple Heart
- Any other awards authorized

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

- DD Form 149 (Application for Correction of Military Record)
- National Personnel Records Center letter
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), 10 May 1962
- DD Form 214, 10 May 1965
- DD Form 214, 1 June 1969

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 the deceased former service member was injured in war during his second term. He was shot in his back and it came out of his stomach. She would like to receive any of her father's medals and badges. He was injured in war and wanted to see about getting the Purple Heart. She would like to receive anything that he was supposed to be given.
3. The applicant was inducted into the Army of the United States on 8 March 1962. After 2 months and 3 days he was honorably discharged for immediate reenlistment.
4. He reenlisted on 11 May 1962. On 10 May 1965, he was honorably transferred to the US Army Reserve after completing 3 years net service this period. He was awarded the Marksman Marksmanship Qualification Badge (Rifle).

5. He enlisted again on 11 May 1966 for a period of three years.
6. He served in Vietnam from 23 January 1967 – 22 January 1968 with 117th Transportation Company until 18 December 1967 when he was transferred to the 124th Transportation Company until his return to the Continental U.S.
7. He was honorably discharged on 1 June 1969 after expiration term of service. His DD Form 214 shows he completed 3 years net service this period. He was awarded or authorized:
 - National Defense Service Medal
 - Vietnam Campaign Medal
 - Vietnam Service Medal
8. His DA Form 20 (Enlisted Qualification Record) shows in item 38 (Record of Assignments) shows his conduct and efficiency were excellent and good throughout his service. Item 40 (Wounds) does not show any wounds. Item 44 (Time Lost Under Section 972, Title 10, USC and Subsequent to Normal Date ETS) shows 15 April 1968 – 6 May 1968 (22 days absent without leave).
9. There is no evidence in the available records which show he was awarded the Purple Heart or was wounded as a result of hostile action in Vietnam.
10. The applicant's name does not appear on the Vietnam Casualty Roster.
11. Review of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the Awards and Decorations Branch of the U.S. Army Human Resources Command, failed to reveal any orders for Purple Heart.
12. By regulation, AR 600-8-22 (Military Awards), the criteria for an award of the Purple Heart requires the submission of substantiating evidence to verify:
 - the injury/wound was the result of hostile action
 - the injury/wound must have required treatment by personnel
 - the medical treatment must have been made a matter of official record

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 failing to show any evidence the FSM was injured as a result of combat operations, the Board concluded there was insufficient evidence of an error or injustice warranting awarding the Purple Heart. However, the Board noted the administrative notes below from the analyst of record and recommended those changes be executed to more accurately reflect the military service of the FSM.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:XXX	:XXX	:XXX	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 Army records of the individual concerned be corrected by amending the FSM's DD Form 214 as noted below in the administrative notes.

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 to the FSM's military record.

//SIGNED//

X

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(S):

The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214. His DD Form 214 for the period ending 1 June 1969, will be administratively corrected without Board action to show award of the:

- [DELETE] Vietnam Service Medal
- [ADD] Vietnam Service Medal one with bronze service star
- Meritorious Unit Commendation

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) 600-8-22, (Military Awards) prescribes policies and procedures for military awards and decorations, to include the Purple Heart.

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 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. When contemplating an award of this decoration, the key issue that commanders must take into consideration 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 the sole justification for the award.

c. Examples of enemy-related injuries which clearly justify award of the Purple Heart include concussion injuries caused by enemy-generated explosions, and a TBI or concussion that is severe enough to cause:

- loss of consciousness; or
- restriction from full duty due to persistent signs, symptoms, or clinical findings; or
- impaired brain functions for a period greater than 48 hours from the time of the concussive incident

3. AR 672-5-1 (Awards), in effect at the time, stated the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all “excellent” conduct and efficiency ratings. Ratings of “Unknown” for portions of the period under consideration were not disqualifying. Service school efficiency ratings based upon academic proficiency of at least “Good” rendered subsequent to 22 November 1955 were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

4. Department of the Army General Order (DAGO) 17, 1969 awarded the Meritorious Unit Commendation to the 117th Transportation Company for service from 1 June 1966 – 31 December 1967.

//NOTHING FOLLOWS//