

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 January 2025

DOCKET NUMBER: AR20240004921

APPLICANT REQUESTS:

- award of the Purple Heart (2nd Award)
- award of the Combat Infantryman Badge
- award of the Air Medal
- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of his previously awarded Purple Heart

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- DD Form 214, for the period ending 6 April 1971
- Letter from the National Personnel Records Center (NPRC)
- Medical Records (5 Pages)
- General Orders Number 63, Purple Heart, 17 March 1970

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 Purple Heart was awarded on 17 March 1970 for wounds received on 15 March 1970 as reflected on his clinical record; however, it was never reflected on his DD Form 214. He was also wounded on 3 March 1970, which is reflected on his chronological record of medical care and was not awarded the Purple Heart. The Combat Infantryman Badge was never awarded after serving as an 11B (Light Weapons Infantryman) in the Republic of Vietnam and receiving wounds from enemy fire. It is his understanding the Air Medal was awarded for a certain number of landing zone insertions and extractions.
3. The applicant provides:

- a. A letter from NRPC, dated 16 December 2023, authorizing shipment of the Purple Heart based on documents he provided.
- b. Five pages of medical records, which show, in pertinent part:
 - 3 March 1970: laceration/"assess eyebrow"
 - 14 March 1970: 4 days untreated for infection of left ear
 - 15 March 1970:
 - wounds, fragment (R) upper extremity, laceration (R) brachial artery, no nerve involvement – Wounded in Action injured in hostile action in Republic of Vietnam on 15 March 1970
 - wounds, fragment both lower extremities, laceration (R) femoral vein, no nerve involvement – Wounded in Action same as above
 - fracture (R) tibia, secondary to above – Wounded in Action same as above
4. A review of the applicant's service record indicates he is authorized an additional award not annotated on his DD Form 214. As a result, the award of the Republic of Vietnam Gallantry Cross Unit Citation with Palm for service in Vietnam will be added administratively to his DD Form 214. As a related item, the Board may also consider the applicant for award of the Army Good Conduct Medal.
5. The applicant's complete service record is unavailable for the Board to review. However, there is sufficient documentation for the Board to render a fair and impartial review. His service record history is summarized by his DD Form 214.
 - a. The applicant was inducted into the Army of the United States on 16 July 1969.
 - b. He served in Vietnam from 10 December 1969 to 8 April 1970. He was assigned to A Company, 2d Battalion, 27th Infantry Division as an 11B (Light Weapons Infantryman).
 - c. The applicant provides General Orders Number 63, dated 17 March 1970, which show Headquarters, 12th Evacuation Hospital published the order awarding the applicant the Purple Heart for wounds received in connection with military operations against a hostile force.
 - d. The applicant was honorably retired on 6 April 1971. His DD Form 214 shows he completed 1 year, 8 months, and 21 days of active service. His DD Form 214 does not show award of the Purple Heart, Combat Infantryman Badge, or Air Medal.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation.
 - a. Award of the Purple Heart (2nd Award). Partial. The Board found insufficient evidence the applicant was awarded the Purple Heart (2nd Award). There was no additional documentation beyond General Orders Number 63, awarding the applicant the Purple Heart for wounds received on 16 March 1970. Therefore, the Board determined the Purple Heart should be added to his DD Form 214; however, the Purple Heart (2nd Award) was not supported.
 - b. Award of the Combat Infantryman Badge. Grant. The Board determined the applicant held military occupational specialty 11B (Light Weapons Infantryman) and served in Vietnam from 10 December 1969 through 8 April 1970 and was awarded the Purple Heart for wounds received on 16 March 1970, therefore he met the criteria for award of the Combat Infantryman Badge.
 - c. Award of the Air Medal. Deny. The Board found insufficient evidence to support the award of the Air Medal and therefore denied relief.
2. Prior to closing the discussion, the Board reviewing and concurred with the administrative note below for additional awards.

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 partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 6 April 1971 to show:

- Purple Heart
- Combat Infantryman Badge

2. The Board further determined that 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 award of the Purple Heart (2nd Award) and Air Medal.

5/12/2025

 

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:

The applicant's records contain sufficient evidence to support corrections not shown on his DD Form 214. His DD Form 214 will be administratively corrected without Board action to show award of the Republic of Vietnam Gallantry Cross Unit Citation with Palm.

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 Army policy, criteria, and administrative instructions concerning individual military decorations. It states the Purple Heart is awarded in the name of the President of the United States and is limited to members of the Armed Forces of the United States who, while serving 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 some 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 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
3. Army Regulation 600-8-22 (Military Awards) provides for award of the Combat Infantryman Badge. There are three requirements for award of the Combat Infantryman Badge. The Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat. Specific requirements state, in effect, that an Army enlisted Soldier must have an infantry or special forces specialty and must have satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or special forces unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat.
4. U.S. Army Vietnam Regulation (USARV) 672-1 (Awards and Decorations) provided for award of the Combat Infantryman Badge. 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. This regulation authorized award of the Combat Infantryman Badge to infantry personnel who were members of infantry platoons and squads in armored cavalry squadrons and regiments.

5. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) governed the military awards program in Vietnam during the Vietnam war. It provided guidelines for award of the Air Medal. It established that passenger personnel who did not participate in an air assault were not eligible for the award based upon sustained operations. It defined terms and provided guidelines for the award based upon the number and types of missions or hours. Twenty-five category I missions (air assault and equally dangerous missions) and accrual of a minimum of 25 hours of flight time while engaged in category I missions was the standard established for which sustained operations were deemed worthy of recognition by an award of the Air Medal.

//NOTHING FOLLOWS//