

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 October 2024

DOCKET NUMBER: AR20240004991

APPLICANT REQUESTS: in effect, change the date of action in service record.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Letter
- General Orders 11066
- Permanent Order 140-02
- General Order 5837
- General Order 59
- Photo and Military Identification (ID) Card
- Army Heritage and Education Center Article
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
- DD Form 215 (Correction to DD Form 214)

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 his date of action during operation Apache Snow when he was wounded shows as 10 May 1969. He would like to have the date corrected to the actual date, 14 May 1969. He recalls 10 May 1969 as the day his company B was air lifted to the landing site to join company A, C and D. He had an engagement with the enemy that afternoon and after the battle proceeded, he set up for the night. The next day he and his company proceeded up the hill and encountered enemy resistance and suffered some losses, some great soldiers, and good friends. His platoon was in position on 14 May 1969 for another day of combat and felt the ground shake as air strikes pounded the hill side. During that push to take the hill his company had wounded men on the hill pinned down and needed help to escape the fighting. His friend [REDACTED] was an

ammunition loader for his M60 machine gun. He and his company made their way in the mud and rain to provide coverage to get the wounded to safety and evacuation off the hill. That was the afternoon 14 May 1969, when he and [REDACTED] were hit and had to be airlifted to the rear to a field hospital.

3. The applicant provides the following documents:

a. A copy of General Orders 59 dated 11 May 1969, announcing the applicant was awarded of the Purple Heart for date of action 10 May 1969 for wounds received in theater, Republic of Vietnam.

b. A copy of General Orders 5837 dated 27 May 1969, announcing the applicant was awarded of the Purple Heart for wounds received in action on 10 May 1969.

c. A copy of an Army Heritage and Education Center article titled "Rakkasans of Hamburger Hill". The article tells the story of the largest Air Mobile assault operation of the Vietnam War codenamed Apache Snow the applicant attest he was a part of and was injured in.

4. A review of the applicant's service record shows:

a. The applicant was inducted into the Army of the United States on 27 May 1968.

b. The available service record is void detailed source documents of his military service and information pertinent to the actual date the applicant was injured during the Air Mobile assault operation of the Vietnam War codenamed Apache Snow operation.

c. General Order number 11066 dated 24 August 1969 announced the applicant's Bronze Star Medal with "V" Device for date of action 10 May 1969 for wounds received in theater, Republic of Vietnam.

d. A letter from U.S. Army Human Resources Command (HRC) dated 23 May 2016, indicating correction of SSN and verification, and entitled recognition of awards for military service in Vietnam.

e. Permanent Order 137-04 dated 16 May 2016, revoked General Order 5837 101st Airborne Division, APO San Francisco, 96383, dated 27 May 1969 and corrected the SSN on the Purple Heart award.

f. Permanent Order 140-02 dated 19 May 2016, revoked General Order 11066 101st Airborne Division, APO San Francisco, 96383, dated 24 August 1969 and corrected the SSN on the Bronze Star Medal with "V" Device.

g. On 19 June 1970, he was released from active duty. His DD Form 214 shows he completed 2 years and 23 days of active service with no lost time.

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.
2. The Board carefully considered the applicant's contentions, his record of service to include service in Vietnam, his awards of a Purple Heart and BSM "V", the dates of action reflected on his awards and orders, the corrections made by Human Resources Command to those documents and the article provided by the applicant. The Board did not find, and the applicant did not provide, medical evidence or other documents in Army records that reflect the dates of action that he requests. Based on a preponderance of evidence, the date of action as shown on his awards and otherwise in his records was not in error or unjust.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	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.

6/11/2025

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.

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) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.
  - a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
  - b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, 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.

//NOTHING FOLLOWS//