

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 December 2024

DOCKET NUMBER: AR20240005003

APPLICANT REQUESTS: correction of DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- Purple Heart Certificate

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 he has the certificate awarding him the Purple Heart that was issued to him on 7 October 1968, but it is missing on his DD Form 214. The certificate shows award of the Purple Heart for wounds received in action on 5 October 1968.
3. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 30 November 1967.
 - b. SF 502 (Clinical Record – Narrative Summary) states on 5 October 1968 the applicant was preparing to throw a grenade when he was struck by a gunshot wound to his left hand. He dropped the grenade and it exploded, as a result he sustained multiple fragment wounds to his entire right side. He was first seen at the 12th Evacuation Hospital where debridement was done the day of injury.
 - c. SF 89 (Report of Medical History), dated 9 November 1970, shows that the applicant "suffered fragment wounds of the right shoulder and left hand which resulted in a [fracture] of the right shoulder. The injury took place in Vietnam in 1968."

d. The applicant was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Reinforcement) on 27 November 1970. He completed 2 years, 11 months, and 28 days of active service. His DD Form 214 shows he served in the Republic of Vietnam from 26 August 1968 to 4 November 1968, and held military occupational specialty Movements Specialist (71N20). His DD Form 214 also shows he was awarded or authorized:

- Silver Star Medal
- National Defense Service Medal
- Parachutist Badge
- Vietnam Service Medal
- Marksman Marksmanship Qualification Badge with Rifle Bar
- Marksman Marksmanship Qualification Badge with Pistol Bar

4. The applicant's available service record does not contain orders for award of the Purple Heart. Likewise, it is void of a DA Form 20 (Enlisted Qualification Record); therefore, his conduct and efficiency ratings cannot be determined.

5. His name is shown on the Department of the Army Office of the Adjutant General Casualty Division Casualty Reference Name Listing for the period 1 January 1961 through 30 June 1973, a battle and non-battle listing of Soldiers who were killed, wounded, sick, captured, or missing during their service in Vietnam.

6. A review of the Awards and Decorations Computer Assisted Retrieval System maintained by the U.S. Army Human Resources Command, which is an index of General Orders issued during the Vietnam era between 1965 and 1973, failed to reveal any orders for the Purple Heart pertaining to the applicant.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief warranted. The applicant's contentions, his military records, and regulatory guidance were carefully considered. The applicant served in Vietnam from August 1968 to November 1968. A Clinical Record shows on 5 October 1968 the applicant was preparing to throw a grenade when he was struck by a gunshot wound to his left hand. He dropped the grenade and it exploded, as a result he sustained multiple fragment wounds to his entire right side. He was first seen at the 12th Evacuation Hospital where debridement was done the day of injury. He provides a certificate reflective of award of the Purple Heart for wounds received in action on 5 October 1968. The Board determined there is sufficient evidence to support adding the Purple Heart to his DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the correction addressed in Administrative Note(s) below, 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 adding the Purple Heart to his DD Form 214.

12/20/2024

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 NOTES:

1. Reference the enclosed request for correction of military records, correct the applicant's DD Form 214, for the period ending 27 November 1970 by adding the following awards in item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- 2 bronze service stars to the previously awarded Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device 1960
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

2. The following documents are sufficient to justify correction of the DD Form 214 without action by the Board.

- DD Form 214
- Department of the Army General Order (DAGO) 8, issued in 1974 to the Headquarters (Republic of Vietnam Gallantry Cross with Palm Unit Citation)
- DA Pam 672-3

3. Correct the applicant's DD Form 214 to add the awards shown in paragraph 1 above. Provide the applicant with a copy of the corrections and the medals and citations, as applicable. Please record the corrections in the applicant's official military personnel record.

REFERENCES:

1. Title 10, USC, 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. AR 635-5 (Separation Documents) in effect at the time, prescribes the separation documents that will be furnished each individual who is separated from the Army. All available records will be used as a basis for the preparation of DD Form 214, including DA Form 20 (Enlisted Qualification Record), and orders. Item 24; enter from section 9, DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

3. AR 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. It provides that the

Purple Heart is awarded for a wound sustained 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 a medical officer, and the medical treatment must have been made a matter of official record.

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

(1) Injury caused by enemy bullet, shrapnel, or other projectile created by enemy action.

(2) Injury caused by enemy-placed trap or mine.

(3) Injury caused by enemy-released chemical, biological, or nuclear agent.

(4) Injury caused by vehicle or aircraft accident resulting from enemy fire.

(5) Concussion injuries caused as a result of enemy-generated explosions.

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

(1) Frostbite (excluding severe frostbite requiring hospitalization from 7 December 1941 to 22 August 1951).

(2) Trench foot or immersion foot.

(3) Heat stroke.

(4) Food poisoning not caused by enemy agents.

(5) Chemical, biological, or nuclear agents not released by the enemy.

(6) Battle fatigue.

(7) Disease not directly caused by enemy agents.

(8) Accidents, to include explosive, aircraft, vehicular, and other accidental wounding not related to or caused by enemy action.

(9) Self-inflicted wounds, except when in the heat of battle and not involving gross negligence.

(10) Post traumatic stress disorders.

(11) Airborne (for example, parachute/jump) injuries not caused by enemy action.

(12) Hearing loss and tinnitus (for example: ringing in the ears).

(13) Abrasions and lacerations (unless of a severity to be incapacitating).

(14) Bruises (unless caused by direct impact of the enemy weapon and severe enough to require treatment by a medical officer)

(15) Soft tissue injuries (for example, ligament, tendon or muscle strains, sprains, and so forth).

(16) First degree burns.

//NOTHING FOLLOWS//