

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 March 2025

DOCKET NUMBER: AR20240005005

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

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

- DD Form 149 (Application for Correction of Military Record), 20 October 2023
- DA Form 20 (Enlisted Qualification Record) (two pages)
- National Personnel Record Center correspondence, 22 February 2024

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 while serving in Vietnam he took shrapnel to the right thigh and was injured. He was awarded the Purple Heart in Vietnam, but the award was not recorded in his official military personnel file due to what he believed was his company clerk failing to input the award in his record. He still has the metal in his leg.
3. The applicant was inducted into the Army of the United States on 27 June 1969 and he held the military occupational specialty 11B (Light Weapons Infantryman).
4. His DA Form 20 (Enlisted Qualification Record) shows the following information:
 - a. The highest rank he attained was sergeant/E-5.
 - b. Item 31 (Foreign Service) shows service in Vietnam from 15 June 1970 to 2 April 1971.
 - c. Item 38 (Record of Assignments) shows he had all excellent conduct and efficiency ratings and he served with Company C, 1st Battalion, 506th Infantry, during his tour of duty in Vietnam.

d. Item 40 (Wounds) shows a fragment wound to right thigh.

5. He was honorably transferred to the U.S. Army Reserve on 4 April 1971 after completing 1 year, 9 months, and 1 day of net active service. He was awarded or authorized the following awards:

- National Defense Service Medal
- Vietnam Service Medal
- Air Medal
- Sharpshooter Marksmanship Qualification Badge with M-16 Rifle

6. His name is not listed on the Vietnam Casualty Roster, and his Official Military Personnel File does not contain any of the following documentation normally used to help verify entitlement to award of the Purple Heart:

- Western Union Telegrams and/or letters
- casualty feeder reports
- medical records indicating hospital/patient status
- orders/awards citations referencing injury or wounds

7. The criteria for the Purple Heart requires the wound to be a result of hostile action, the wound must have required treatment by a medical officer, and treatment of the wound must be documented in the medical record.

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. 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. The Board determined to be awarded the Purple Heart, the regulatory guidance requires all elements of the award criteria to be met; there must be proof a wound was incurred as a result of enemy action, that the wound required treatment by medical personnel, and that the medical personnel made such treatment a matter of official record. The Board did not find documentary evidence that clearly or explicitly shows criteria for award of the Purple Heart. Based on the evidence, the Board determined the applicant does not meet the criteria for award of the Purple Heart and denied relief.

2. Administrative Notes: A review of the applicant's service record shows he is authorized additional awards on his DD Form 214. As a result, amend his DD Form 214, for the period ending 4 April 1971, to show the following awards:

- Army Good Conduct Medal (1st Award)
- Bronze Star Medal
- Vietnam Service Medal with two Bronze Service Stars
- Republic of Vietnam Campaign Medal with Device (1960)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

X //SIGNED//

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):

A review of the applicant's record and Army regulations show he meets the regulatory criteria for additional awards not currently listed on his DD Form 214; for the period ending 4 April 1971.

Remove the Vietnam Service Medal from Item 24 – Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized.

Add the following awards and/or medals in Item 24:

- Bronze Star Medal
- Vietnam Service Medal with two Bronze Service Stars
- Republic of Vietnam Campaign Medal with Device (1960)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

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) states the following:

a. The Purple Heart is awarded to any member who, while serving under competent authority in any capacity with one of the Army Services, has been wounded or killed or who has died or may hereafter die after being wounded as a result of hostile enemy action. Substantiating evidence must be provided to verify that 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.

b. States the Vietnam Service Medal is awarded to all members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. Qualifying service also included temporary duty for 30 consecutive days or 60 nonconsecutive days in Vietnam or contiguous areas, except that the time limit may be waived for personnel participating in actual combat operations. A bronze service star is authorized with this award for each Vietnam campaign a member is credited with participating in. Appendix B shows that during his service in the Republic of Vietnam, participation credit was awarded for the following two campaigns:

- DA Sanctuary Counteroffensive, 1 May 1970 – 30 June 1970
- Vietnam Counteroffensive, Phase VII, 11 July 1970 to 30 June 1971

3. Army Regulation 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, 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 Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the unit awards received by units serving in Vietnam. This pamphlet shows 506th Infantry, 1st Battalion shows Department of the Army General Officer Number 6, 1974, awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

//NOTHING FOLLOWS//