

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 January 2025

DOCKET NUMBER: AR20240005016

APPLICANT REQUESTS: correction of his father's, a deceased service member, records by:

- awarding him a second Purple Heart for injuries received in the Korean Conflict
- correction of his DD Form 214 (Report of Separation from the Armed Forces of the United States) for the period ending 5 July 1952 to show award of the Purple Heart (2d Award)

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Western Union Telegram, 8 November 1951
- U.S. National Archives & Records Administration Korean War Casualty File covering 13 February 1950 through 31 December 1953, 15 March 2024
- Western Union Telegram, 18 December 1951
- U.S. National Archives & Records Administration Korean War Casualty File covering 13 February 1950 through 31 December 1953, 15 March 2024
- Headquarters, Tokyo Army Hospital, 8059th Army Unit, APO San Francisco, CA Letter, 27 December 1951
- DD Form 214 for the period ending 5 July 1952
- Applicant's Certificate of Live Birth, 24 August 1967
- Service Member's Certificate of Death, certified 10 April 1989

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. An exhaustive search that included a request to the National Personnel Records Center in St. Louis, MO, was undertaken to locate the deceased service member's military records, which are necessary for processing an application. However, the

military documents provided by the applicant along with his father's DD Form 214, are sufficient for the Board to conduct a fair and impartial review of this case.

3. The applicant, the son of a deceased service member, states his father was injured twice in the Korean War and his records only show he was awarded one Purple Heart. Therefore, he would like his father to be awarded a second Purple Heart.

4. The applicant provides the following documents:

a. A Western Union Telegram dated 8 November 1951, from the Adjutant General of the Army to the service member's parents informing them that their son was wounded in action in Korea on 20 October 1951.

b. A U.S. National Archives & Records Administration Korean War Casualty File covering 13 February 1950 through 31 December 1953, 15 March 2024 that shows the service member was seriously wounded in action by a missile on 20 October 1951 in North Korea.

c. Another Western Union Telegram dated 18 December 1951 from the Adjutant General of the Army to the service member's parents informing them that their son was again wounded in action in Korea on 7 December 1951. If further notified them that he had returned to duty on 21 October 1951 from his previous wounds.

d. Another U.S. National Archives & Records Administration Korean War Casualty File covering 13 February 1950 through 31 December 1953, dated 15 March 2024 that shows the service member was again seriously wounded in action by a missile on 7 December 1951 in the North Korea sector.

e. Headquarters, Tokyo Army Hospital, 8059th Army Unit, APO San Francisco, CA Letter, 27 December 1951 which informed the service member's parents that he was hospitalized on 22 October 1951, as a result of wounds received (penetrating wound of the skull) in combat in Korea.

5. The applicant was honorably released from active duty and transferred to the Army National Guard on 5 July 1952. His DD Form 214 shows he completed 1 year, 9 months, and 5 days to net service completed for pay purposes this period. It further shows in:

- item 26 (Foreign and/or Sea Service) – 8 months and 25 days
- item 27 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) -
 - Purple Heart

- Korean Service Medal with 1 bronze service star
- Combat Infantry Badge
- item 29 (Wounds Received as Result of Action with Enemy Forces) (Place and date, if known) – Head wound (Motor Frag[mentation]), 7 December 1951

6. In addition, the applicant provides:

a. his certificate of live birth showing his relationship with the deceased service member, and

b. a State Certificate of Death, certified 10 April 1989, that shows the service member died at the age of 56 on 26 March 1989.

7. The Board should consider the applicant's statement and provided evidence in accordance with the published guidance.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the SM's military record, the Board found that relief was warranted. The Board carefully considered the SM's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and the SM's available military records, the Board determined there is sufficient evidence to support the applicant's contentions, the son of a deceased Korean War veteran, for the award of a second Purple Heart and correction of the veteran's DD Form 214 to reflect this recognition.

2. The Board noted, the two Western Union telegrams from the Adjutant General of the Army, dated 8 November 1951 and 18 December 1951, respectively, each confirming that the service member was wounded in action—first on 20 October 1951 and again on 7 December 1951. The Board found the SM's injuries are further corroborated by entries in the U.S. National Archives & Records Administration Korean War Casualty Files, which document serious missile wounds sustained on both dates in North Korea. Additionally, a letter from Headquarters, Tokyo Army Hospital dated 27 December 1951 confirms hospitalization due to a penetrating skull wound received in combat.

3. The Board found the documentation provided to be credible, consistent, and sufficient to establish that the SM was wounded in action on two separate occasions, each qualifying for award of the Purple Heart. The Board agreed, in recognition of the SM's sacrifices and in the interest of correcting the historical record, the Board granted relief to award a second Purple Heart for wounds sustained on 20

October 1951 and correction of the SM's DD Form 214 to reflect the award of the Purple Heart (2nd Award).

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

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 amending the SM DD Form 214 for the period ending 5 July 1952 to show award of the Purple Heart (2nd Award).

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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR will decide cases on the evidence of record; it is not an investigative body. The Board begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 600-8-22 (Military Awards) 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 (not merely examination) by a medical officer, and the medical treatment must have been made a matter of official record. Award of the Purple Heart may be made for wounds treated by a medical professional other than a medical officer provided a medical officer includes a statement in the service member's medical record that the extent of the wounds was such that they would have required treatment by a medical officer if one had been available to treat them.

//NOTHING FOLLOWS//