

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 December 2024

DOCKET NUMBER: AR20240005281

APPLICANT REQUESTS: correction of his 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)
- DD Form 214
- Department of Veterans Affairs (VA) Rating Decision

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, in December 1969, he served as an infantryman with 1st Battalion, 327th Infantry, 101st Airborne Division, I Corps west of Hue Vietnam. During a helicopter combat assault, his right knee was injured. Eventually, he ended up in a field hospital at Camp Eagle where his knee was treated. He had a full leg cast for a week or two, and light duty for another week or two. When he requested his awards, the Purple Heart was not included. The National Personnel Records Center provided him with some of his military records, and with a letter advising him his medical records were at the VA. He did not provide his medical records.
3. The applicant was inducted into the Army of the United States on 29 May 1969. He held military occupational specialty 11B (Light Weapons Infantryman).
4. His DA Form 20 (Enlisted Qualification Record) includes the following entries and information:
  - a. Item 29 (Qualification in Arms) shows -

- 25 June 1969, Sharpshooter, M-14 Rifle
- 8 July 1969, First Class, Grenade
- 26 July 1969, Marksman, M-16 Rifle
- 17 September 1969, Expert, M-60 Machine Gun

b. Items 31 (Foreign Service) and 38 (Record of Assignments) show he received all excellent or unknown conduct and efficiency ratings during his period of service, and

- he served in Vietnam from 16 November 1969 to 29 October 1970
- he was assigned to Company D, 1st Battalion (Airmobile), 327th Infantry, Vietnam, from 3 December 1969 to 26 October 1970

c. Item 40 (Wounds) is blank.

d. Item 41 (Awards and Decorations) does not list the Purple Heart but it does show, in part:

(1) Special Orders (SO) 240, published by Headquarters Fort Lewis, Fort Lewis Washington, awarded him the Sharpshooter Marksmanship Qualification Badge Rifle Bar Rifle (M-16); however, this badge was not issued.

(2) SO 209, published by U.S Army Training and Doctrine Command, Fort Dix, NJ, awarded him the Sharpshooter Marksmanship Qualification Badge Rifle Bar Rifle (M-14); this badge was issued.

5. The applicant did not provide nor do his records contain orders awarding him the Purple Heart.

6. On 8 April 1971, the applicant completed a Standard Form 89 (Report of Medical History) as a part of his separation processing. This document shows in item 34 (Have You Consulted or Been Treated by Clinics, Physicians, Healers, or Other Practitioners within the Past 5 Years), he indicated, "Pneumonia 1969, Washington," and "Right Knee January 1979, [Republic of Vietnam]." The available evidence does not contain any hospital records.

7. On 28 May 1971, he was honorably released from active duty upon expiration of his term of service, and he was transferred to the United States Army Reserve. His DD Form 214 shows he completed 2 years of net active service during the covered period, of which 11 months and 14 days were credited as foreign service in United States Army Vietnam. His DD Form 214 also shows:

a. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) does not list the Purple Heart but it does list the-

- National Defense Service Medal
- 2 Overseas Service Bars
- Sharpshooter Marksmanship Qualification Badge Rifle (M-14)
- Vietnam Service Medal
- Bronze Star Medal
- Army Commendation Medal
- Air Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Combat Infantryman Badge
- Marksman Marksmanship Qualification Badge Rifle Bar (M-16)
- Expert Marksmanship Qualification Badge Machine Gun Bar (M-60)

b. Item 30 (Remarks) shows he served in Vietnam from 16 November 1969 through 29 October 1970.

8. The applicant's name is not listed on the Vietnam Casualty Roster.

9. A review by U.S. Army Human Resources Command (HRC) of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the Awards and Decorations Branch of HRC, failed to reveal orders awarding him the Purple Heart.

10. The applicant provided a VA Rating Decision showing he has one or more service-connected disabilities with a combined service-connected evaluation of 10 percent, effective 1 February 2024. His submissions were provided to the Board in their entirety.

### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.

2. The Board found insufficient evidence to determine the applicant's entitlement to the Purple Heart. Specifically, the available service records do not show the applicant was wounded as a result of hostile action and that the wound required treatment by a medical officer. The Board considered the statement the applicant provided in support of his application, but found the statement on its own insufficient as a basis for awarding the Purple Heart. The Board determined the evidence is insufficient as a basis for awarding the Purple Heart at this time.

3. The Board found the applicant met the criteria for the Army Good Conduct Medal (1st Award). The Board determined he should be awarded this medal and it should be added to his DD Form 214.
4. The Board concurred with the corrections described in Administrative Note(s) below.

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 a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:
  - Awarding him the Army Good Conduct Medal (1st Award) for the period 29 May 1969 through 28 May 1971
  - Adding the Army Good Conduct Medal (1st Award) to his DD Form 214
  - Making the corrections described in Administrative Note(s) below
2. The Board further determined 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 the Purple Heart.

12/16/2024

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 NOTE(S): a review of the applicant's record found evidence sufficient to amend his DD Form 214 for the period ending 29 October 1970 by adding the following:

- 3 bronze service stars with the Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
- Sharpshooter Marksmanship Qualification Badge with Grenade Bar

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 provides, in pertinent part, for award of:

a. A bronze service star, based on qualifying service, for each campaign listed in Appendix B of this regulation and states that authorized bronze service stars will be worn on the appropriate service medal. He is entitled to four bronze service stars to be worn on the Vietnam Service Medal. The applicant served during the following three campaigns:

- Winter - Spring 1970, 1 November 1969 - 30 April 1970
- Sanctuary Counteroffensive, 1 May - 30 June 1970
- Counteroffensive Phase VII, 1 July 1970 - 30 June 1971

b. Army Regulation 600-8-22 (Military Awards) provides the Purple Heart is awarded for a wound sustained while in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify that the wound was the result of hostile action, the wound must have required treatment by medical personnel, and the medical treatment must have been made a matter of official record. when contemplating an award of the Purple Heart, the key issue that commanders must take into consideration is the degree to which the enemy caused the injury. The fact the proposed recipient was participating in direct or indirect combat operations is a necessary prerequisite but is not sole justification for award.

c. The Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency and fidelity during a qualifying period of active-duty enlisted service. This period is 3 years except in those cases when the period for the first award

ends with the termination of a period of Federal military service. Although there is no automatic entitlement to the Good Conduct Medal, disqualification must be justified. Current practice requires that the commander provide written notice of nonfavorable consideration and permits the individual to respond.

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, 1 year served entirely during the period 7 December 1941 to 2 March 1946; 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. The applicant served with Company D, 1st Battalion (Airmobile), 327th Infantry from 3 December 1969 to 26 October 1970. This pamphlet shows this unit was awarded the: Republic of Vietnam Gallantry Cross with Palm for the period 1 March–9 October 1971, in Department of the Army General Order (DAGO) 6 in 1974 and the Republic of Vietnam Civil Actions Honor Medal, First Class for the period 18 March 1969–2 May 1970 in DAGO 48, in 1971.

//NOTHING FOLLOWS//