

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 February 2025

DOCKET NUMBER: AR20240005744

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 7 April 1969 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)
- Purple Heart Statement
- DD Form 214 ending 7 April 1969

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, he believes he earned the Purple Heart while on active duty in Vietnam. However, it was never added to his DD Form 214.
 - a. He was assigned to Company C, 4th Battalion, 11th Infantry Brigade while in Vietnam from between 1968 – 1969. During his deployment, his unit would be sent into different locations called hot landing zones (LZ), in South Vietnam, via helicopter to stop the infiltration of North Vietnam Soldiers.
 - b. The day he was injured, his unit was dropped in by helicopter to a hot LZ with incoming enemy fire. He and other soldiers were sent to sweep the left flank position when he found an enemy mortar round on the ground. He threw a grenade into the area and was knocked unconscious by the blast. When he woke up, he was in a helicopter being medically evacuated to the Da Nang hospital.
 - c. He sustained injuries to his right elbow from shrapnel that was lodged during the explosion and was hospitalized for approximately a week before returning to his unit in the field. The shrapnel wound continues to give him problems to this day with a 30

percent loss of extension in his right arm, pain, stiffness, and numbness after 3 operations. Unfortunately, he is unaware of the exact date of the injury and was unable to obtain his medical records from the hospital.

3. A review of the applicant's available service record reflects the following:

- a. On 16 June 1967, he was inducted into the Army of the United States.
- b. DA Form 20 (Enlisted Qualification Record) shows service in Vietnam from 9 April 1968 to 3 April 1969 for a period of 12 months. Block 40 (Wounds) is void of entry.
- c. On 7 April 1969 he was honorably discharged with 1 year, 9 months, and 22 days. His DD Form 214, Block 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows he was awarded the following:
 - National Defense Service Medal
 - Vietnam Campaign Medal
 - Vietnam Service Medal
 - Combat Infantryman Badge
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bard (M-16)
 - Overseas Service Bars (2)
- d. The available service record is void of documentation showing award of the Purple Heart; however, his name is listed on the Vietnam casualty roster, a compilation of most of those who were wounded in Vietnam, which is used to verify eligibility for the Purple Heart.
- e. 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.

4. A review of the applicant's record confirms he is eligible for awards and campaign credits that are not recorded on his DD Form 214. These awards will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

5. By regulation (AR 600-8-22), 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.

6. By regulation (AR 672-5-1), the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active service, 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 and there must be no convictions by a court-martial. 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.

- he completed 1 year, 9 months, and 22 days
- he received all excellent conduct and efficiency ratings throughout his military service
- there is no record of a court-martial conviction

7. By regulation (AR 635-5), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The instructions stated to list awards and decorations for all periods of service.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the applicant's statement and the applicant's name appearing on the Vietnam Casualty Roster, the Board concluded there was sufficient evidence to award the applicant the Purple Heart for injuries incurred on 12 September 1968 while serving in Vietnam.

Prior to closing the case, the Board also determined that the applicant qualified for and should be awarded the Army Good Conduct Medal, in addition to the additional awarded noted in the Administrative Notes below.

BOARD VOTE:

| <u>Mbr 1</u> | <u>Mbr 2</u> | <u>Mbr 3</u> | |
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| :XXX | :XXX | :XXX | 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 relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the applicant's DD Form 214 by
 - awarding and adding the Purple Heart for injuries sustained on 12 September 1968 while serving in Vietnam
 - awarding and adding the Army Good Conduct Medal.
2. Prior to closing the case, the Board noted the administrative notes below from the analyst of record and recommended those changes also be completed to more accurately reflect the military service of the applicant.

//SIGNED//

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 service records show he is authorized additional awards not annotated on his DD Form 214 for the service period ending 7 April 1969. As a result, amend his DD Form 214 to show:

- four bronze service stars to his already awarded Vietnam Service Medal
- 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 600-8-22 (Military Awards) provides Army policy, criteria, and administrative instructions concerning individual military decorations.
 - a. A bronze service star is authorized to denote participation in each designated campaign.
 - b. The Purple Heart is awarded in the name of the President of the United States to any member of an Armed Force or any civilian national of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after 5 April 1917, has been wounded or killed, or who has died or may hereafter die after, being wounded:
 - In any action against an enemy of the United States
 - In any action with an opposing armed force of a foreign country in which the Armed Forces of the U.S. are or have been engaged
 - While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party.
 - As the result of an act of any such enemy of opposing Armed Forces
 - As the result of an act of any hostile foreign force

3. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) states:

- a. The authority to award the Purple Heart was delegated to hospital commanders. Further, it directed that all personnel treated and released within 24 hours would be awarded the Purple Heart by the organization to which the individual is assigned. Personnel requiring hospitalization in excess of 24 hours or evacuation from Vietnam

would be awarded the Purple Heart directly by the hospital commander rendering treatment.

b. 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. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The instructions stated to list awards and decorations for all periods of service.

//NOTHING FOLLOWS//