

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 February 2025

DOCKET NUMBER: AR20240005745

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 6 February 1970 to show:

- award of two additional Purple Hearts (Second Award and Third Award)
- award of the Air Medal
- award of the Air Assault Badge
- a personal appearance hearing before the Board via video/telephone

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)
- Department of Veterans Affairs (VA) Form 21-4138 (Statement in Support of Claim), 29 October 2011
- Eyewitness statement, 1 December 2011
- VA Form 21-4138, 29 January 2024
- Military Medical Documents, various dates (four)
- Photographs with his social security number on the back of each (nine)

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 was wounded three times by the enemy during his service in the Republic of Vietnam. He notes he received fragmentation on 8 June 1969 in his right hand, finger, and wrist and was treated in the field. He received fragmentation in his neck and forehead in the Spring of 1969 and was treated by medical personnel. He provides eye-witness statements of his injuries. He was assigned to 2d Platoon, C Company, 7th Cavalry, and conducted combat aviation operation in excess of 50 hours. He also conducted air assault operations before air assault schooling was available to Soldiers in the special forces.

3. He was inducted into the Army of the United States on 7 February 1968. He completed his initial entry training and was awarded military occupational specialty (MOS) 11B (Light Weapons Infantryman).
4. His DA Form 20 (Enlisted Qualification Record) shows in:
 - a. item 22 (Military Occupational Specialties) – contains the entry 11B20 (Light Weapons Infantryman Crewman), 22 November 1969;
 - b. item 31 (Foreign Service), he received overseas tour credit for service in the U.S. Army Pacific-Vietnam.
 - c. item 38 (Record of Assignments), he was assigned to Company C, 2d Battalion, 7th Cavalry, 1st Air Cavalry Division from on or about 19 December 1968 through on or about 20 July 1969; and
 - d. item 40 (Wounds), the absence of an entry that indicates he had recorded wounds from his service in the Republic of Vietnam.
5. A review of his records are void of documentation that shows he was awarded an 18 series (Special Forces) MOS.
6. He was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Annual Training) on 6 February 1970. He completed 2 years of total active service. His DD Form 214 shows in:
 - a. item 22c (Foreign and/or Sea Service), foreign service in U.S. Army Pacific for 5 months and 9 days;
 - b. item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) –
 - National Defense Service Medal
 - Vietnam Service Medal
 - Combat Infantryman Badge
 - Expert Marksmanship Badge with Pistol (.45 cal)
 - Sharpshooter Marksmanship Badge with Machinegun (M-60)
 - Marksman Marksmanship Badge with Rifle Bar (M-14)
 - Marksman Marksmanship Badge with Rifle Bar (M-16)
 - c. item 30 (Remarks) shows the entry: Vietnam: 13 December 1968 to 21 May 1969 (a period of 5 months and 9 days).

7. The applicant's name is not listed on the Vietnam casualty roster compiled by The Adjutant General's Office, Casualty Division.

8. There are no orders or other evidence in the available records indicating he was awarded an Air Medal or multiple Air Medals.

9. The applicant submitted a request for award of the Purple Heart to the U.S. Army Human Resources Command (HRC). After considering his case and the provided evidence, HRC verified his entitlement to the Purple Heart (only one award) and other entitled awards not listed on his DD Form 214 for the period ending 6 February 1970. HRC issued the following:

a. HRC Permanent Order 262-001, dated 19 September 2018, with certificate, awarding him the Purple Heart for wounds received as a result of hostile forces on 10 January 1969.

b. DD Form 215 (Correction to DD Form 214), dated 26 September 2018 which deleted the Vietnam Service Medal and added the:

- Purple Heart
- Army Good Conduct Medal
- Vietnam Service Medal with three bronze service stars
- Republic of Vietnam Gallantry Cross Unit Citation with Palm Device
- Republic of Vietnam Civil Actions Honor Medal Unit Citation, First Class

10. He provides the additional documents in support:

a. VA Form 21-4138, dated 29 October 2011 shows First Lieutenant J____ G____, the applicant's platoon leader in Vietnam, attested he witnessed the applicant sustaining several rocket fragmentation wounds to the elbow area of his right arm on 10 January 1969. Although wounded he was essential to the platoon's functioning and combat effectiveness and was not evacuated; therefore, his wounds were not documented by medical personnel at the time of the combat action. First Lieutenant J____ G____ further attests to C Company 2d Battalion, 7th Cavalry coming under enemy attack on 8 June 1969. He notes the applicant was wounded on the right hand, finger and wrist and medevac'd to the 15th Medical in Tay Ninh. For reasons unknown the wounds he sustained were not documented at the medical facility. He was not an eyewitness to the combat action but did observe the applicant's wounds within a week of the action when he returned to field duty.

b. An eyewitness statement, dated 1 December 2011 from Sergeant T____ S____ attested he served with the applicant in Vietnam. He says the applicant was wounded

twice and never receive a Purple Heart. He notes one of his wounds was a severe finger injury and he second was an arm wound.

c. Another VA Form 21-4138, dated 29 January 2024, shows the applicant notes he conducted air assault type operations of over 50 hours while serving in Vietnam. He notes he was treated for injuries on two other occasions and deserved two more Purple Hearts to the one he already has been awarded.

d. Four military medical documents, with various dates, that document the applicant's clinical visits regarding a bent right ring finger, elbow issues, and tinnitus in his right ear and treatments. These medical documents do not list any of these injuries were the result of enemy actions.

e. Nine photographs with his social security number on the back of each.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the Board made the following findings and recommendations related to the requested relief:

- award two additional Purple Hearts: DENY, based upon the lack of medical documentation and/or the information reflected on the applicant's DA Form 20 related to other injuries incurred in combat.
- award the Air Medal: DENY, based upon the lack of flight records and/or the information reflected on the applicant's DA Form 20 showing the applicant qualified for the Air Medal
- award the Air Assault Badge: DENY, based upon the lack of information showing the applicant attended and graduated the Air Assault Training Course

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

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 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 evidence. The ABCMR may, in its

discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. In accordance with the U.S. Institute of Heraldry the Air Assault Badge was approved by the Chief of Staff, Army on 18 January 1978, for Army-wide wear by individuals who successfully completed Air Assault training after 1 April 1974. The badge had previously been approved as the Airmobile Badge authorized for local wear by the Commander of the 101st Airborne Division, effective 1 April 1974. The division had been reorganized from parachute to airmobile in mid-1968 in Vietnam and designated the 101st Airborne Division (Airmobile). The parenthetical designation changed to Air Assault on 4 October 1974 and the name of the badge was likewise changed.

4. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. 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 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.

b. The Air Medal is awarded in time of war for heroism and for meritorious achievement or service while participating in aerial flight. This award is primarily intended for personnel on flying status but may also be awarded to those personnel whose combat duties require them to fly; for example, personnel in the attack elements of units involved in air-land assaults against an armed enemy. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

4. Army Regulation 95-1 (Flight Regulation) provided guidance for aircraft operations, crew requirements, and flight rules. The regulation specifies that each crew member must present his or her individual flight records to the unit of assignment. The flying experience and qualification data for each rated crew member and flight surgeon in aviation service and each non-rated crew member will be documented on several forms among which are the DA Form 759 and the DA Form 759-1. The "Mission Symbol" column on the DA Form 759-1 lists a single character to identify the type of mission performed. During the Vietnam War, the following mission symbols were used:

Mission Symbol	Service Missions
A	Acceptance Test Flight
F	Maintenance Flight

S	Service Mission
T	Training Flight
X	Experimental Test Flight
C	Combat Mission

5. United States Army Vietnam (USARV) Regulation 672-1 (Decorations and Awards) provided guidelines for award of the Air Medal. It stated that passenger personnel who did not participate in an air assault were not eligible for the award based upon sustained operations. It defined terms and provided guidelines for the award based upon the number and types of missions or hours. Twenty-five Category I missions (air assault and equally dangerous missions) and accrual of a minimum of 25 hours of flight time while engaged in Category I missions was the standard established for which sustained operations were deemed worthy of recognition by an award of the AM. However, the regulation was clear that these guidelines were considered only a departure point.

a. Combat missions were divided into three categories. A category I mission was defined as a mission performed in an assault role in which a hostile force was engaged and was characterized by delivery of ordnance against the hostile force or delivery of friendly troops or supplies into the immediate combat operations area. A category II mission was characterized by support rendered a friendly force immediately before, during, or immediately following a combat operation. A category III mission was characterized by support of friendly forces not connected with an immediate combat operation, but which must have been accomplished at altitudes which made the aircraft at times vulnerable to small arms fire or under hazardous weather or terrain conditions.

b. To be recommended for award of the Air Medal, an individual must have completed a minimum of 25 category I missions, 50 category II missions, or 100 category III missions. Since various types of missions would have been completed in accumulating flight time toward award of an Air Medal for sustained operations, different computations would have had to be made to combine category I, II, and III flight times and adjust it to a common denominator.

//NOTHING FOLLOWS//