

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 January 2025

DOCKET NUMBER: AR20240005758

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

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

- DD Form 149 (Application for Correction of Military Record), 12 March 2024
- Purple Heart Certificate, 26 October 1970

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 earned the Purple Heart while serving in Vietnam and is requesting the award be added to his DD Form 214.
3. The applicant was inducted to the Army of the United States on 6 February 1970 and held military occupational specialty 11B (Infantryman).
4. His DA Form 20 (Enlisted Qualification Record) shows the following information:
 - a. The highest rank he attained was specialist four/E-4.
 - b. Item 31 (Foreign Service) shows service in Vietnam from 19 July 1970 to 18 July 1971.
 - c. Item 38 (Record of Assignments) shows he served with Company D, 1st Battalion, 20th Infantry, during his tour of duty in Vietnam.
 - d. Item 40 (Wounds) does not list any wounds.

5. The applicant provided a Purple Heart Certificate showing he received the award for wounds received in action on 22 October 1970. This certificate was endorsed by the Commander, 27th Surgical Hospital.

6. He conducted a separation examination on 15 September 1971, where he remarked he was treated for superficial fragmentation wound in the right achilles tendon area at 27th Surgical Hospital, Chu Lai, in October - November 1970. The corresponding report of medical examination shows his summary of defects and diagnoses remarks a fragment wound to his right ankle in Vietnam.

7. He was honorably transferred to the United States Army Reserve on 7 October 1971 after completing 1 year, 8 months, and 2 days of net active service. He was awarded or authorized the following awards:

- National Defense Service Medal
- Vietnam Campaign Medal with Device (1960)
- Vietnam Service Medal with 2 Bronze Service Stars
- Combat Infantryman Badge

8. 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

9. On 21 September 2010, U.S. Army Human Resources Command (AHRC) disapproved the applicant's request for award of the Purple Heart. AHRC noted the receipt of the Purple Heart Certificate for wounds received on 22 October 1970, however stated without a specific order number they were unable to authorize an award of the Purple Heart. AHRC further stated the medical documentation provided from 27 October 1970 did not indicate that he received actual medical treatment for a fragment wound to his right heel, only that the wound was cleaned. The documentation also did not note whether or not the injury was a direct result of enemy action. Upon further review AHRC verified the applicant's entitlement of the following awards not listed on his DD Form 214, and issued a DD Form 215 (Correction to DD Form 214):

- Bronze Star Medal
- Army Commendation Medal
- Army Good Conduct Medal

- Expert Badge with Rifle Bar
- Sharpshooter Badge with Machine Gun Bar and Grenade Bar
- Marksman Badge with Pistol Bar
- Republic of Vietnam Gallantry Cross Unit Citation with Palm Device

10. The criteria for the Purple Heart require 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:

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. Although the applicant's record has a medical record (SF 93) annotated a fragmentation wound to the applicant and the applicant provides a Purple Heart certificate, based upon the injury described as "superficial", as well as the lack of orders awarding the applicant the Purple Heart, the Board concluded there was insufficient evidence showing the injury rose to the level appropriate for a Purple Heart.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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



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 (AR) 600-8-22 (Military Awards) states 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.

//NOTHING FOLLOWS//