

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 February 2025

DOCKET NUMBER: AR20240005899

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 29 July 1971 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 under the Provisions of Title 10, U.S. Code, Section 1552)
- Headquarters, 27th Surgical Hospital General Order Number 17, dated 8 February 1970
- Purple Heart Certificate, dated 8 February 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 was awarded the Purple Heart for wounds received on 5 February 1970 in the Republic of Vietnam and submits documentation as proof. He would like it added to his records.
3. He was inducted into the Army of the United States on 30 July 1969. 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 31 (Foreign Service), he received overseas tour credit for service in the U.S. Army Pacific-Vietnam from 9 January 1970 through 25 April 1970 (a period of 3 months and 17 days); and

b. item 38 (Record of Assignments), he was assigned to Company D, 1st Battalion, 52d Infantry Regiment, 198th Infantry Brigade from on or about 17 January 1970 through on or about 20 April 1970 and 249th General Hospital from on or about 21 April 1970 through on or about 25 April 1970.

5. Headquarters, 27th Surgical Hospital General Order Number 17, 8 February 1970, with certificate, awarded him the Purple Heart for wounds received in action in the Republic of Vietnam on 5 February 1970.

6. Headquarters, 3d Armored Cavalry, Fort Lewis, WA Special Orders Number 26, 26 January 1971, withdrew his primary MOS 11B and awarded him MOS 11D (Armor Reconnaissance Specialist) as his primary MOS and awarded MOS 11B as his secondary MOS.

7. He was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Annual Training) on 29 July 1971. 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 3 months and 17 days;

b. item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized), no award of the Purple Heart; and

c. item 30 (Remarks) shows the entry: Vietnam Service: 9 January 1970 – 25 April 1970 (a period of 3 months and 17 days).

8. His military record is void of documentation recommending him for or orders awarding him the Combat Infantryman Badge.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board determined there was sufficient evidence to support the applicant's eligibility for award of the Purple Heart, including his Purple Heart Certificate for wounds received in action on 5 February 1970 in the Republic of Vietnam.

2. Additionally, the Board reviewed the applicant's record and determined he should also be entitled to award of the Combat Infantryman Badge as he served as an 11B (Light Weapons Infantryman) while in Vietnam when the wounds were received.

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 relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding him the Purple Heart for injuries sustained in action on 5 February 1970
- awarding him the Combat Infantryman Badge
- adding to his DD Form 214, for the period ending 31 May 1976:
 - Purple Heart
 - Combat Infantryman Badge

6/6/2025

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): The applicant is authorized administrative correction of his DD Form 214 for the period ending 29 July 1971 without Board action to show the following awards:

- one bronze service star with 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 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 considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record; it is not an investigative body. 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 the evidence.
3. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.
 - a. The Combat Infantryman Badge is awarded to infantry officers, warrant officers, and enlisted Soldiers possessing an infantry MOS. There are three requirements for award of the Combat Infantryman Badge: the Soldier must be an infantryman satisfactorily performing infantry duties; he must be assigned to an infantry unit, of brigade, regimental, or smaller size during such time as the unit is engaged in active ground combat; and he must actively participate in such ground combat.
 - b. A bronze service star is authorized with the Vietnam Service Medal for each Vietnam campaign a member is credited with participating in. A silver service star is worn instead of five bronze service stars. Appendix B shows that during his service in Vietnam, participation credit was awarded for the Vietnam Winter-Spring 1970, (1 November 1969 – 30 April 1970) campaign.
4. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards), appendix V, provided that during the Vietnam era, the Combat Infantryman Badge was awarded only to enlisted individuals who held and served in MOS 11B, 11C, 11D, 11F, 11G, or 11H.
5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register), lists the awards received by units serving in Vietnam. This pamphlet shows the unit to which the applicant was assigned was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation in Department of the Army General Order Number 42, 1972.

//NOTHING FOLLOWS//