

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 February 2025

DOCKET NUMBER: AR20240006007

APPLICANT REQUESTS: Correction of DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending on 5 May 1969, by:

- Correcting his Social Security Number (SSN)
- Awarding and adding the Purple Heart

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant's statement
- Social Security Card
- Patient Admission Information form
- SF 89 (Report of Medical History), 28 April 1966
- SF 88 (Report of Medical Examination), 11 August 1966
- SF 88, 16 April 1969
- SF 89, 16 April 1969
- DD Form 214, ending 5 May 1969

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 his SSN is incorrect on his DD Form 214. He is also requesting to be awarded the Purple Heart for being hit by shrapnel while deployed in Vietnam on 23 February 1969. He feels he met the standard criteria that earned the Purple Heart. He wants to ensure his DD Form 214 information is correct. No one has ever told him to really look over his DD Form 214 or any of his records. When he got curious, he looked at everything and noticed the error on his DD Form 214 as well as he feels the Purple Heart should have been awarded to him.

3. A review of the applicant's official records show:

a. On 4 August 1966, he completed and signed DD Form 398 (Statement of Personal History) which shows in item 13 (Employment) he listed his SSN as [REDACTED]

b. On 11 August 1966, the applicant enlisted in the Regular Army for 3 years. He held military occupational specialty 94B (Cook).

c. DA Form 20 (Enlisted Qualification Record) lists the applicant's SSN as [REDACTED] and shows in:

- Item 31 (Foreign Service) – he served in Vietnam from 3 January 1967 to 5 March 1969
- Item 38 (Record of Assignment) – while serving in Vietnam he was assigned to:
 - Headquarters and Headquarters Company, 2nd Battalion, 3rd Infantry, 199th Infantry Brigade from 13 January 1967 to 2 October 1968
 - "H&SB", 2nd Battalion, 40th Artillery, 199th Infantry Brigade from 3 to 21 October 1968
 - D Troop, 17th Cavalry, 199th Infantry Brigade from 22 October 1968 to 24 February 1969
 - MHD [Medical Hospital Detachment], 249th Cavalry Hospital, as a "Patient" from 25 February to 4 March 1969
- Item 40 (Wounds) – Fragment wounds of chest; undated
- Item 41 (Awards and Decorations) – No entry for the Purple Heart

d. On 5 May 1969, the applicant was honorably released from active duty and was transferred to the U.S. Army Reserve (USAR) Control Group (Annual Training). He completed 2 years, 8 months, and 25 days net active service. DD Form 214 shows in:

- Item 3 (Social Security Number) – [REDACTED]
- Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) – No entry for the Purple Heart

e. The applicant's name is listed on the Vietnam Casualty Roster. This is a listing of Vietnam era casualties commonly used to verify entitlement to award of the Purple Heart.

f. 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 him.

4. In support of his petition to the Board, the applicant provides:

- a. A Social Security Card showing his SSN as [REDACTED].
- b. Patient Admission Information form showing he was initially admitted to the hospital for a fragment wound to his chest wall on 23 February 1969.
- c. SF 89 dated 28 April 1966, which shows he underwent a medical examination for enlistment.
- d. SF 88 dated 11 August 1966, which shows he underwent a medical examination for enlistment in the Regular Army.
- e. SF 88 dated 16 April 1969, which shows he underwent a medical examination for separation. Item 3 (Identification Number) shows his SSN as [REDACTED] and item 28 (Lungs and Chest) states healed scar left outer chest wall.
- f. SF 89 dated 16 April 1969, which shows he underwent a medical examination for separation.

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.
2. The Board carefully considered the applicant's contentions, his military record, the entry in item 40 of his DA Form 20 showing he was wounded, a Patient Admission form, the presence of his name on the Vietnam Casualty Roster and the location of his separation. The Board considered the contested SSN on the DD Form 214 and the requested SSN, as shown on his SS card being present on multiple documents in his military personnel file. The Board noted the applicant served during a period where he was assigned a Service Number and that the presentation of his SSN was inconsistent in the records. Based on a preponderance of evidence, the Board determined that the applicant was entitled to an award of a Purple Heart for wounds received and that the requested SSN should be annotated on his DD form 214 as a correction to an error. The Board concurs with the recommended corrections in the Administrative Notes below.


BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XX:	XX:	XX:	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, in addition to the corrections noted in the Administrative Notes that follow, 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 in Vietnam on 23 February 1969
- adding to item 24 of his DD Form 214 for the period ending 5 May 1969: PH


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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 for the period beginning on 11 August 1966 and ending on 5 May 1969, by amending it as follows:

- a. Delete in item 3; [REDACTED].
- b. Add in item 3; [REDACTED].
- c. Add in item 24:
 - Valorous Unit Award
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
 - Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation, with Oak Leaf Device
 - One (1) silver service star and two (2) bronze service stars to his previously issued Vietnam Service Medal

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- Department of the Army General Orders (DAGO) Number 48
- DAGO Number 51
- Department of the Army Pamphlet 672-3

3. Please correct the applicant's DD Form 214 by deleting/adding the information shown in paragraph 1a, b, and c above. Provide the applicant a copy of the corrections, and as applicable the medal. Please ensure that the corrections are recorded in the applicant's official military personnel record.

REFERENCES:

1. Title 10, USC, 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. AR 635-5 (Separation Documents) prescribes the separation documents that will be furnished each individual who is separated from the Army. The instructions for completing item entries of the DD Form 214 state for item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) to enter from DA Form 66 (Officer Qualification Record), or DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

3. U.S. Army Vietnam (USARV) Regulation 672-5-1 (Decorations and Awards), in effect

at the time, prescribed policies, responsibilities, and criteria for awards to insure prompt and proper recognition of individuals. The regulation reads, in part:

a. The Purple Heart may be awarded to U.S. personnel who are wounded or killed in action as a direct result of enemy action. A wound for which the award is made must have required treatment by a medical officer and records of medical treatment for wounds or injuries received must have been made a matter of official record.

b. 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 was assigned. Personnel requiring hospitalization more than 24 hours or evacuation from Vietnam would be awarded the Purple Heart directly by the hospital commander rendering treatment.

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

a. The Purple Heart is awarded in the name of the President of the United States to any member of an Armed Force of the United States under the jurisdiction of the Secretary of the Army, who, after 5 April 1917, has been wounded, killed, or who has died or may hereafter die of wounds received, under any of the following circumstances:

(1) In any action against an enemy of the United States.

(2) In any action with an opposing armed force of a foreign country in which the Armed Forces of the United States are or have been engaged.

(3) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(4) As the result of an act of any such enemy or opposing Armed Forces.

(5) As the result of an act of any hostile foreign force.

(6) After 7 December 1941, pursuant to Title 10, USC, section 1129, as a result of friendly fire provided the member was killed or wounded in action by friendly weapon fire while directly engaged in armed conflict, other than the result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of the willful misconduct of the member. Substantiating evidence must be provided to verify the wound was the result of hostile action; the wound must have required treatment by a medical officer or professional, and the medical treatment must have been made a matter of official record.

b. Examples of enemy-related injuries which clearly justify award of the Purple Heart are as follows:

(1) Injury caused by enemy bullet, shrapnel, or other projectile created by enemy action.

(2) Injury caused by enemy-placed trap or mine.

(3) Injury caused by enemy-released chemical, biological, or nuclear agent.

(4) Injury caused by vehicle or aircraft accident resulting from enemy fire.

5. AR 600-200 (Enlisted Personnel Management System), chapter 9, of the version in effect at the time, stated a brief description of wounds or injuries (including injury from gas) requiring medical treatment received through hostile or enemy action, including those requiring hospitalization would be entered in item 40 (wounds) of the DA Form 20. This regulation further stated that the date the wound or injury occurred would also be placed in item 40.

//NOTHING FOLLOWS//