

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 February 2025

DOCKET NUMBER: AR20240006080

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show award of the Purple Heart and Republic of Vietnam Gallantry Cross with Bronze Star.

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

- DD Form 149 (Application for Correction of Military Record), 9 April 2024
- Memorandum, Headquarters (HQ) U.S. Army Vietnam, 25 June 1970, subject: Authorization for Individual Foreign Award
- DD Form 214, 31 July 1982

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 should be awarded the Purple Heart. The Republic of Vietnam Gallantry Cross with Bronze Star should have been awarded with a Purple Heart. The English translation states that he was wounded and continued to perform his duties.
3. The applicant provides a copy of a memorandum from HQ, U.S. Army Vietnam, dated 25 June 1970. This memorandum was translated from a memorandum issued by the Commanding General, 5th Infantry Division, and the 32d Tactical Area, Vietnam. It cites the applicant with exemplary and fully capable combat. On 4 November 1969, he calmly conducted troops although he was wounded, he fiercely engaged the enemy.
4. The applicant's DD Form 214 for the period ending 31 July 1982, shows award of the Republic of Vietnam Gallantry Cross with Palm, Bronze Star, and Silver Star. As there is nothing to correct on this part of his request, this portion of his request will not be discussed further in these proceedings. The Board will consider his request for the Purple Heart.

5. A review of the applicant's service record shows:

a. Following prior enlisted service on 26 May 1966, the applicant executed an oath of office, and he was appointed as a Reserve commissioned officer in the Signal Corps.

b. He completed his first deployment to Vietnam from 22 September 1966 to 21 August 1967 while assigned to Company C, 2d Battalion, 22d Infantry, 4th Infantry Division. During this period awards were authorized to him in:

(1) General Orders (GO) Number 2999, issued by HQ, 25th Infantry Division, dated 19 July 1967, awarded him the Bronze Star Medal for meritorious service from September 1966 to June 1967;

(2) GO Number 3658, issued by HQ, 25th Infantry Division, dated 15 September 1967, awarded him the Bronze Star Medal with "V" device for heroism on 21 March 1967. The citation reads, in part, "for heroism in connection with military operations against a hostile force... Upon arrival, [Applicant] with two platoons of Company C lead a savage counter attack against the exposed right flank of the enemy, causing mass confusion and panic among the enemy forces. The Viet Cong fled their positions...in defeating the enemy while sustaining no friendly casualties..."

(3) Memorandum, Department of the Army, HQ, United States Army Vietnam, dated 7 January 1969, awarded him the Republic of Vietnam Gallantry Cross with Silver Star.

c. He completed his second deployment to Vietnam from 8 September 1969 to 7 July 1969 while assigned to Headquarters and Headquarters Service (HHS) Battery, 1st Battalion, 77th Artillery. During this period awards were authorized to him in:

(1) GO Number 16763, issued by HQ, 1st Cavalry Division, dated 26 December 1969, awarded him the Army Commendation Medal with "V" device for heroism on 25 October 1969. The citation reads, in part, "When an explosion occurred in the ammunition supply point, [Applicant] rushed to the area and immediately began a search for the crater so a crater analysis could be performed. While investigating this, a second explosion occurred, destroying a bunker on the west side of the perimeter. He immediately rushed to the scene and directed head count of the adjoining bunker and conducted a search of the bunker for wounded personnel."

(2) GO Number 1389, issued by HQ, 1st Cavalry Division, dated 25 January 1970, awarded him the Air Medal (First Oak Leaf Cluster) with "V" device for Heroism while assigned to on 4 November 1969. The citation reads, in part, "When the Battalion came under rocket and grenade fire, [Applicant], with disregard for his own safety, moved through the impacting rounds to the northwest berm to help defend it against the

attacking force. During the attack, some of the communications lines were knocked out and he immediately searched for and repaired the lines, exposing himself to the hostile fire. He then returned to the northwest berm to help defend it against the attacking force until it was repelled."

(3) Memorandum, HQ, 1st Cavalry Division, dated 25 June 1970, awarded him the Republic of Vietnam Gallantry Cross with Bronze Star.

(4) GO Number 13538, issued by HQ, 1st Cavalry Division, dated 27 July 1970, awarded him the Bronze Star Medal (First Oak Leaf Cluster) for meritorious service while assigned to HHS) Battery, 1st Battalion, 77th Artillery,

(5) GO Number 14723, issued by HQ, 1st Cavalry Division, dated 11 August 1970, awarded him the Bronze Star Medal for meritorious service from May 1970 to June 1970.

d. His DA Form 2-1 (Personnel Qualification Record) does not show award of the Purple Heart.

e. On 31 July 1982, he was retired. His DD Form 214 does not show award of the Purple Heart.

f. His service records are void of orders for the Purple Heart.

g. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for the Purple Heart pertaining to the applicant.

h. The applicant's name is not shown on the Department of the Army Office of the Adjutant General Casualty Division Casualty Reference Name Listing for the period 1 January 1961 through 30 June 1973, a battle and non-battle listing of Soldiers who were killed, wounded, sick, captured, or missing during their service in Vietnam.

6. Army Regulation 600-8-22 (Military Awards) provides 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 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.

BOARD DISCUSSION:

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.

a. Award of the Purple Heart. Grant. The Board determined there was sufficient evidence for award of the Purple Heart. Specifically, his record contains General Order Number 547, which shows the applicant exemplary and fully capable of combat, in particular, in the enemy violent mortar attack on the fire support base Buttons (Phuoc Long) on 4 November 1969, although wounded, he calmly conducted troops fiercely engaging the enemy and the enemy consequently withdrew leaving behind 63 killed in action.

b. Award of the Republic of Vietnam Gallantry Cross with Bronze Star. Grant. The Board determined there was sufficient evidence to support the award of the Republic of Vietnam Gallantry Cross with Bronze Star. Specifically, a memorandum, Authorization for Individual Foreign Award, dated 25 June 1970 for the applicant entitling him to the award.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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| ■ | ■ | ■ | 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 4 November 1969

- adding to his DD Form 214, for the period ending 31 July 1982:
 - Purple Heart
 - Republic of Vietnam Gallantry Cross with Bronze Star

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| 6/6/2025 |
| X [REDACTED] |
| CHAIRPERSON [REDACTED] |

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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. It provides that 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 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. The Purple Heart differs from all other decorations in that an individual is not "recommended" for the decoration; rather, he or she is entitled to it upon meeting specific criteria. A Purple Heart is authorized for the first wound suffered under conditions indicated above; an oak leaf cluster is awarded to be worn on the medal or ribbon for each subsequent award. Not more than one award will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent.

//NOTHING FOLLOWS//