

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2025

DOCKET NUMBER: AR20240006239

APPLICANT REQUESTS: award of the Purple Heart

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

- DD Form 149 (Application for Correction of Military Record)
- Headquarters, 9th Infantry Division General Orders Number 2430, 13 April 1968
- DD Form 214, for the period ending 2 August 1968

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 on 31 January 1968 while in combat on the Rach Rung Canal, Vietnam. His right fingertip was shot off and he sustained numerous shrapnel injuries during Operation Coronado.
3. He provides Headquarters, 9th Infantry Division General Orders Number 2430, dated 13 April 1968, which shows he was awarded the Army Commendation Medal with "V" device for heroism in connection with military operations against an armed hostile force in the Republic of Vietnam on 31 January 1968.
4. A review of his service record shows:
 - a. Following prior enlisted service in the Regular Army, he was appointed as a Reserve Commissioned Officer of the Army on 13 August 1966.
 - b. He was ordered to active duty on 13 August 1966.
 - c. DA Form 66 (Officer Qualification Record) shows in:

- Item 17 (Foreign Service) – 28 December 1967 to 5 August 1969, U.S. Army Pacific - Vietnam (USARPAC)
- Item 18 (Record of Assignments) – during his service in Vietnam he was assigned to: Company B, 10th Psychological Operations Battalion, USARPAC, from 2 January 1968 to 29 July 1968
- Item 21 (Awards and Decoration) – does not list award of the Purple Heart

d. He was honorably discharged from active duty in the rank/grade of first lieutenant/O-1 on 2 August 1968. He completed 1 year, 11 months, and 20 days of net active service during this period. His DD Form 214 shows in:

- Item 22c (Foreign and or Sea Service) – 7 months, 4 days
- Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal, Army Commendation Medal with “V” device, Aircraft Crewman’s Badge, Overseas Service Bar

5. His record does not contain and he did not provide evidence he was recommended for or awarded the Purple Heart.

6. His name does not appear on the Vietnam casualty listing, a battle and non-battle listing of Soldiers who were killed, wounded, sick, captured, or missing during their service in Vietnam.

7. 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 Awards and Decorations Branch, failed to reveal orders awarding him the Purple Heart.

8. His record indicates he was awarded or authorized additional awards that are not shown on his DD Form 214 and will be listed in the administrative notes.

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 failing to show that the applicant incurred an injury as a result a combat events with an armed enemy, the Board concluded there was insufficient evidence of an error or injustice which would warrant awarding the Purple Heart.

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:

1. 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.
2. Prior to closing the case, the Board did note the administrative notes below from the analyst of record and recommended those changes be completed to more accurately reflect the military service of the applicant.

//SIGNED//

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): A review of the applicant's records show he is authorized additional awards not listed on his DD Form 214 for the period ending 2 August 1968. As a result, amend his DD Form 214 by:

- a. Delete: Vietnam Service Medal
- b. Add:
 - Vietnam Service Medal with three bronze service stars
 - Meritorious Unit Commendation
 - Republic of Vietnam Civil Actions Honors Medal

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.

a. The Bronze Star Medal is awarded in time of war for heroism and for meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy, or while engaged military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. 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. When contemplating eligibility for the Purple Heart, the two critical factors commanders must consider is the degree to which the enemy or hostile force caused the wound and whether the wound was so severe that it required treatment by a medical officer.

(1) A wound is defined as an injury to any part of the body from an outside force or agent sustained under one or more of the conditions listed below. A physical lesion is not required. However, the wound for which the award is made must have required treatment, not merely examination, by a medical officer. Additionally, treatment of the wound will be documented in the service member's medical and/or health record. Award of the Purple Heart may be made for wounds treated by a medical professional other than a medical officer provided a medical officer includes a statement in the service member's medical record that the extent of the wounds was such that they would have required treatment by a medical officer if one had been available to treat them.

(2) The key issue commanders must take into consideration when contemplating an award of this decoration is the degree to which the enemy caused the injury. The fact that the proposed recipient was participating in direct or indirect combat operations is a necessary prerequisite, but is not sole justification for award.

(3) Examples of enemy-related injuries which justify award of the Purple Heart are as follows:

- injury caused by enemy bullet, shrapnel, or other projectile created by enemy action
- injury caused by enemy-placed trap or mine
- injury caused by enemy-released chemical, biological, or nuclear agent
- injury caused by vehicle or aircraft accident resulting from enemy fire
- concussion injuries caused as a result of enemy-generated explosions
- mild traumatic brain injury or concussion severe enough to cause either loss of consciousness or restriction from full duty due to persistent signs, symptoms, or clinical finding, or impaired brain function for a period greater than 48 hours from the time of the concussive incident

(4) Examples of injuries or wounds which do not justify award of the Purple Heart are as follows:

- frostbite (excluding severe frostbite requiring hospitalization from 7 December 1941 to 22 August 1951)
- trench foot or immersion foot
- heat stroke
- food poisoning not caused by enemy agents
- chemical, biological, or nuclear agents not released by the enemy
- battle fatigue
- disease not directly caused by enemy agents
- accidents, to include explosive, aircraft, vehicular, and other accidental wounding not related to or caused by enemy action
- self-inflicted wounds, except when in the heat of battle and not involving gross negligence
- post-traumatic stress disorder
- airborne (for example, parachute/jump) injuries not caused by enemy action
- hearing loss and tinnitus (for example, ringing in the ears)
- mild traumatic brain injury or concussions that do not either result in loss of consciousness or restriction from full duty for a period greater than 48 hours due to persistent signs, symptoms, or physical finding of impaired brain function
- abrasions and lacerations (unless of a severity to be incapacitating)
- bruises (unless caused by direct impact of the enemy weapon and severe enough to require treatment by a medical officer)
- soft tissue injuries (for example, ligament, tendon, or muscle strains, sprains, and so forth)

- first degree burns

c. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which it participated in combat. One silver service star is worn instead of five bronze service stars. During the applicant's service in Vietnam, participation credit was awarded for the following campaigns:

- Tet Counteroffensive – 30 January 1968-1 April 1968
- Vietnam Counteroffensive Phase IV – 2 April 1968-30 June 1968
- Vietnam Counteroffensive Phase V – 1 July 1968-1 November 1968
- Vietnam Counteroffensive Phase VI – 2 November 1968-22 February 1969
- Tet 69 Counteroffensive 1969 – 23 February 1969-8 June 1969

d. Paragraph 6-11, Service stars (campaign and battle stars), states service stars are worn on campaign and service medals to denote participation in a named campaign and on the service ribbons to denote an additional award. A service star is a bronze star or silver five-pointed star 3/16 inch in diameter. The applicant participated in three campaigns during Vietnam.

3. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the unit awards received by units serving in Vietnam. It shows the 10th Psychological Operations Command was cited for:

a. Meritorious Unit Commendation by order of the Department of the Army General Order (DAGO) Number 23, 1970, for the period 1 December 1967 to 31 December 1968

b. Republic of Vietnam Civil Actions Honor Medal by order of Department of the Army General Order 6, 1974, for the period 1 December 1967 to 1 November 1970.

//NOTHING FOLLOWS//