

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 February 2025

DOCKET NUMBER: AR20240006246

APPLICANT REQUESTS: correction of his record to show he was awarded the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Report of Separation from the Armed Forces of the United States), ending on 16 February 1952

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 he received a gunshot wound to the head while serving in Korea and was never awarded the Purple Heart for his wounds.

3. The applicant's military records are not available to the Board for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. It is believed his records were lost or destroyed in that fire. However, there were sufficient documents remaining in records provided by the applicant to conduct a fair and impartial review of this case. This case is being considered using records, which primarily consist of a DD Form 214.

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

a. He enlisted in the Regular Army on 5 January 1949.

b. On 16 February 1952, he was honorably discharged from active duty. His DD Form 214 shows in:

(1) Item 5 (Qualification) shows 4745 (Light Machine Gunner or Crewman).

(2) Item 26 (Foreign and/or Sea Service): 2 years, 1 month, and 1 day.

(3) Item 27 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded): Occupation Medal Japan, Combat Infantryman Badge, Bronze Star Medal, Korean Service Medal with 3 bronze service stars, and the Distinguished Unit Badge.

(4) Item 28 (Most Significant Duty Assignment) B company, 19th Infantry Regiment.

(5) Item 29 (Wounds Received as a Result of Action with Enemy Forces (Place and date, if known)): September 1950; Bullet wound in head, Naktong, Korea.

4. The applicant's name is listed on the Korean Casualty File. The file shows he was seriously wounded in action on 9 February 1951 in the South Korea Sector.

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 and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military record, the Board determined there is sufficient credible evidence that the applicant sustained wounds in combat and meets the criteria for award of the Purple Heart. Evidence shows the applicant sustained a bullet wound to the head in Naktong, Korea, in September 1950 as a result of enemy action. Additionally, the Korean Casualty File lists the applicant as seriously wounded in action on 9 February 1951 in the South Korea Sector. Therefore, the Board granted relief for correction of the applicant's military record to show he was awarded the Purple Heart.

BOARD VOTE:

Mbr 1    Mbr 2    Mbr 3

XXX	XXX	XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending his DD Form 214 for the period ending 16 February 1952, to show award of the Purple Heart.

X      //SIGNED//  
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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.

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. Army Regulation (AR) 600-45 (Personnel – Decorations), in effect at the time, states that for the purpose of awarding the Purple Heart, a wound is defined as an injury to any part of the body from an outside force, element, or agent sustained while in action in the face of the enemy or as the result of a hostile act of such enemy, provided the wound necessitates treatment by a medical officer.
3. 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.

b. To qualify for award of the Purple Heart the wound must have been of such severity that it required treatment, not merely examination, by a medical officer. A wound is defined as an injury to any part of the body from an outside force or agent. A physical lesion is not required.

(1) Treatment of the wound will be documented in the member's medical and/or health record.

(2) Award may be made for a wound treated by a medical professional other than a medical officer provided a medical officer includes a statement in the member's medical record that the severity of the wound was such that it would have required treatment by a medical officer if one had been available to provide treatment.

//NOTHING FOLLOWS//