

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 March 2025

DOCKET NUMBER: AR20240006611

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Purple Heart (PH) (3rd Award). Additionally, he requests an opportunity to appear before the Board by video or telephone.

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

- two DD Forms 149 (Application for Correction of Military Record)
- DD Form 214

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 three times, but he received only one PH. His records should show he was wounded three times, and he should have received the PH (3rd Award). Additionally, he annotated his application to show he suffers from post-traumatic stress disorder (PTSD).
3. On 22 August 1969, the applicant was inducted into the Army of the United States for 2 years. He held military occupational specialty 11E (Armor Crewman).
4. His DA Form 20 (Enlisted Qualification Record) includes the following information or entries:
 - a. Item 31 (Foreign Service) shows he served in Vietnam from 21 February 1970 to 25 March 1971, during which time, he was assigned to F Troop, 17th Cavalry, 196th Infantry Brigade.

b. Item 40 (Wounds) contains no annotations.

c. Item 41 (Awards and Decorations) does not list the PH.

5. General Orders from the Department of the Army, Headquarters, Americal Division awarded the applicant the PH for wounds received in connection with military operations against a hostile force, in the Republic of Vietnam (RVN) in the following orders:

a. General Orders 10335, dated 11 August 1970, announced award of the PH for wounds received on 6 August 1970.

b. General Orders 13434, dated 6 October 1970, announced award of the PH for wounds received on 1 September 1970.

6. His DD Form 214 shows, on 26 March 1971, he was honorably released from active duty and transferred to the United States Army Reserve Control Group (Annual Training). He completed 1 year, 7 months, and 5 days of net active service this period, of which, 1 year, 1 month, and 5 days were credited as foreign service in Vietnam. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) lists the:

- National Defense Service Medal
- Combat Infantryman Badge
- Army Commendation Medal (1st Oak Leaf Cluster
- Two Overseas Bars
- Vietnam Service Medal
- Republic of Vietnam (RVN) Campaign Medal with Device (1960)
- Army Commendation Medal
- Purple Heart
- Good Conduct Medal
- Sharpshooter Marksmanship Qualification Badge, Rifle Bar (M-14)

7. The applicant's name is listed on the RVN Casualty Roster for wound received on 6 August 1970.

8. A review by U.S. Army Human Resources Command (HRC) 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 Awards and Decorations Branch of HRC, revealed Orders 13434 awarding him the PH for wounds on 1 September 1970.

9. The available evidence did reveal the applicant's entitlement to a second award of the PH which will be administratively added to his DD Form 214.

10. The Board will consider the applicant's entitlement to the PH (3rd Award).

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted for the applicant's request to be awarded the Purple Heart (3rd Award) 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 to be awarded the Purple Heart (3rd Award), the regulatory guidance requires all elements of the award criteria to be met; there must be proof a wound was incurred as a result of enemy action, that the wound required treatment by medical personnel, and that the medical personnel made such treatment a matter of official record. The Board did not find documentary evidence that clearly or explicitly shows criteria for award a 3rd Purple Heart. However, the Board found that the applicant's 2nd Purple Heart was not listed on his DD Form 214, and that the award should be added to his DD Form 214. Based on the evidence, the Board determined the applicant does not meet the criteria for award of the Purple Heart (3rd Award).

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 26 March 1971 to show award of the Purple Heart (2nd Award) for wounds incurred on 1 September 1970, while serving in Vietnam.
2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to award of the Purple Heart (3rd Award).

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.

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 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires. 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 provides for award of the Purple Heart for a wound sustained while in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify that the wound was the result of hostile action, the wound must have required treatment by medical personnel, and the medical treatment must have been made a matter of official record. When contemplating an award of the Purple Heart, the key issue that commanders must take into consideration the degree to which the enemy caused the injury. The fact the proposed recipient was participating in direct or indirect combat operations is a necessary prerequisite but is not sole justification for award.

//NOTHING FOLLOWS//