

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 March 2025

DOCKET NUMBER: AR20240006749

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show award of his second Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- After Action Report, 13 March 1968
- DD Form 1380 (U.S. Field Medical Card) - illegible

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 while arranging his end-of-life documentation, it was discovered that he had not received his second Purple Heart. He was wounded during a ground and mortar attack that occurred on 12 – 13 March 1968. The incident was forgotten about until his grandson found it while handling his documents.
3. The applicant provides an After-Action Report (AAR) dated 13 March 1968 which is an account from a Mr. D.B., who was assigned to the E Troop 2/11, 11th Armored Cavalry Regiment (ACR). The AAR describes on 13 March 1968 the F Troop came under ground and mortar attack from an enemy company size element. F Troop had 7 wounded in action (WIA). E Troop encountered an enemy squad size element at which time they broke contact and fell into night defensive positions. At 0300 hours E Troop came under mortar attack with 1 killed in action (KIA) and 15 wounded in action (WIA). The mortar attacks were believed to be by the 74th Viet Cong (VC) Regiment. One of the WIA was the applicant when mortar rounds landed on top of a Armored Combat Assault Vehicle (ACAV).

4. The applicant's military records are not available to the Board for review. However, there were sufficient documents remaining in a reconstructed record to conduct a fair and impartial review of this case. This case is being considered using reconstructed records, which primarily consist of the DD Form 214 and remaining orders.

a. Having had 18 years, 5 months, and 2 days of prior enlisted service, he reenlisted in the Regular Army on 31 May 1977.

b. The available service record is void of the prior DD Form 214 and a DA Form 20 (Enlisted Qualification Record).

c. Special Orders Number 9, dated 8 April 1968, awarded the applicant, among others, the Combat Infantryman Badge.

d. General Orders Number 29 dated 26 April 1968, awarded the applicant the Purple Heart for wounds received in connection with military operations against a hostile force on or about 3 February 1968.

e. On 31 December 1988, he was retired from active duty. His DD Form 214 shows he 11 years and 7 months of active service with 18 years, 5 months, and 2 days of prior active service. It also shows he was awarded a Purple Heart, among other distinguished awards.

5. There were no available orders authorizing or awarding the applicant a second Purple Heart during his period of service in Vietnam.

6. His name is not listed in the Vietnam casualty roster, a compilation of most of those who were wounded in Vietnam, which is used to verify eligibility for the Purple Heart.

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 Military Awards Branch of the U.S. Army Human Resources Command, failed to reveal any additional orders for award of the Purple Heart pertaining to the applicant.

8. By regulation, the Purple Heart is awarded for a wound/injury 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 medical personnel
- the medical treatment must have been made a matter of official record

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 records, the Board noted the applicant's contentions that this incident was overlooked until recently discovered by his grandson while organizing end-of-life documentation. In support of his claim, the applicant submitted an After-Action Report dated 13 March 1968 authored by Mr. D.B., which describes enemy engagements involving E and F Troops of the 11th Armored Cavalry Regiment. The report noted that E Troop sustained 15 wounded in action during a mortar attack, and the applicant asserts he was among those wounded when mortar rounds struck an Armored Combat Assault Vehicle.
2. Despite the applicant's assertions, the Board found insufficient documentary evidence to support the award of a second Purple Heart. The applicant's military records were not available in full; however, a reconstructed record was sufficient to conduct a fair and impartial review. The available documentation includes General Orders Number 29, dated 26 April 1968, awarding the applicant a Purple Heart for wounds sustained on or about 3 February 1968. No additional orders were found authorizing a second award. Per regulatory guidance award of the Purple Heart requires substantiating evidence that the wound was sustained as a result of hostile action, required treatment by medical personnel, and that such treatment was officially recorded.
3. The Board found no medical documentation or official record verifying that the applicant received treatment for wounds sustained during the March 1968 incident. While the After-Action Report provides context for the engagement, it does not meet the evidentiary threshold required for award of the Purple Heart. Therefore, the Board determined the applicant's request does not meet the regulatory criteria for correction of his DD Form 214 to reflect a second Purple Heart. As such, relief is denied.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

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.

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 600-8-22 (Military Awards) provides Army policy, criteria, and administrative instructions concerning individual military decorations. The Purple Heart is awarded in the name of the President of the United States to any member of an Armed Force or any civilian national of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after 5 April

1917, has been wounded or killed, or who has died or may hereafter die after, being wounded:

- In any action against an enemy of the United States
- In any action with an opposing armed force of a foreign country in which the Armed Forces of the U.S. are or have been engaged
- While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party.
- As the result of an act of any such enemy of opposing Armed Forces
- As the result of an act of any hostile foreign force

3. The Purple Heart was established by General George Washington at Newburgh, NY on 7 August 1782 during the Revolutionary War. It was reestablished by the President of the United States per War Department General Orders Number 3 in 1932. It was awarded in the name of the President of the United States to any member of the Armed Forces or any civilian national of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after 5 April 1917, died or sustained wounds as a result of hostile action. Effective 19 May 1998, award of the Purple Heart is limited to members of the Armed Forces of the United States.

//NOTHING FOLLOWS//