

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 March 2025

DOCKET NUMBER: AR20240007376

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record), 17 June 2024
- Purple Heart Certificate, 14 February 1967
- DD Form 214, 15 November 1967
- NGB Form 22 (Report of Separation and Record of Service), 31 March 1986

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 the Purple Heart was omitted from his DD Form 214.
3. A review of the applicant's service records show the following:
 - a. On 30 November 1965, he was inducted into the Army of the United States.
 - b. On 1 December 1966, he deployed to Vietnam.
 - c. He was assigned to Headquarters and Headquarters Company, 5th Battalion, 60th Infantry Regiment from 1 December 1966 to 14 November 1967.
 - d. His DA Form 20 (Enlisted Qualification Record) shows:
 - no entries for wounds in item 40 (Wounds)
 - no entry for the Purple Heart in item 41 (Awards and Decorations)

e. On 15 November 1967, he was honorably released from active duty. His DD Form 214 reflects he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal with Device (1960)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Combat Medical Badge
- Soldier's Medal
- Combat Infantryman Badge

f. A VA Form 07-3101 (Request for Information), dated 8 March 1968, shows the Department of Veterans Affairs submitted an inquiry pertaining to his medical claim for injuries sustained from shrapnel in the lower back on 13 September 1967, with treatment at the 93rd Evacuation Hospital, Vietnam. The available records were forwarded at that time.

g. His records are void of orders awarding him the Purple Heart.

h. 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.

i. A check of the Vietnam Casualty Roster shows the applicant's name is listed 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. The entries under his name and service number confirm the date of casualty as 13 September 1967 and the major attributing cause code 'H' as the result of hostile enemy action in Vietnam.

BOARD DISCUSSION:

1. 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. The evidence of record shows on 30 November 1965, the applicant was inducted into the Army of the United States. On 1 December 1966, he deployed to Vietnam. The Board found that the applicant provided a Certificate to show he received the award of the Purple Heart. In addition, the Board notes the Vietnam Casualty Roster shows he was wounded by hostile enemy action on 13 September 1967. Therefore, the Board determined the applicant met the criteria for award of the Purple Heart and granted relief.

2. Administrative Notes: A review of the applicant's service records show his DD Form 214 should be corrected to reflect:

- Two bronze service stars to his previously issued Vietnam Service Medal
- Republic of Vietnam Civil Actions Honor Medal with First Class Unit Citation

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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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 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 13 September 1967
- adding to his DD Form 214, for the period ending 15 November 1967, the following awards:
- Purple Heart
- Two bronze service stars to his previously issued Vietnam Service Medal
- Republic of Vietnam Civil Actions Honor Medal with First Class Unit Citation

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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's service records show his DD Form 214 should be corrected to reflect:

- two bronze service stars to his previously issued Vietnam Service Medal
- Republic of Vietnam Civil Actions Honor Medal with First Class Unit Citation

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//