

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 February 2025

DOCKET NUMBER: AR20240007772

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
- Air Medal

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

- Two DD Forms 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 12 March 1971
- Standard Form 502 (Clinical Record – Narrative Summary)
- DA Form 199 (Physical Evaluation Board (PEB) Proceedings)
- Air Medal Certificate, 30 June 1970

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 awarded the Purple Heart and Air Medal and they are not reflected on his DD Form 214.
3. The applicant was inducted into the Army of the United States on 24 June 1969.
4. He served in the Republic of Vietnam from 6 December 1969 to 12 March 1970.
5. The applicant provides a Clinical Record – Narrative Summary, dated 12 March 1970, which shows, in pertinent part: "Absence, acquired, surgical, left foot and ankle, Syme's amputation performed in treatment of traumatic injury to the left foot, incurred in a booby trap explosion at approximately 1430 hours, 4 March 1970, near Cu Chi, Republic of Vietnam; treated, improved. LOD [Line of Duty]: Yes."

6. The applicant provides an Air Medal Certificate, dated 30 June 1970 for meritorious achievement while participating in aerial flight.

7. The applicant was retired for permanent physical disability on 12 March 1971.

8. A review 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 4 March 1970, 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 4 March 1970 and the major attributing cause code 'H' as the result of hostile enemy action in Vietnam.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the provided medical documentation showing the applicant was injured as a result of combat operations in Vietnam and the provided award certificate showing he previously was awarded the Air Medal, the Board concluded there was sufficient evidence to award and add the Purple Heart and Air Medal to the applicant's military record.

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 Army records of the individual concerned be corrected by amending the applicant's DD Form 214 by awarding and adding the Air Medal and the Purple Heart for injuries incurred on 12 March 1970, while serving in Vietnam.

//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.

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. It states the Purple Heart is awarded in the name of the President of the United States and is limited to members of the Armed Forces of the United States who, while serving in any capacity with one of the U.S. Armed services after 5 April 1917, have been wounded, were killed, or who have died or may hereafter die of wounds received under some of the following circumstances;

- 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. 3. U.S. Army Vietnam (USARV) Regulation 672-1 (Decorations and Awards) provided guidelines for award of the Air Medal. It stated passenger personnel who did not participate in an air assault were not eligible for the award based upon sustained operations. It defined terms and provided guidelines for the award based upon the number and types of missions or hours. Twenty-five Category I missions (air assault and equally dangerous missions) and accrual of a minimum of 25 hours of flight time while engaged in Category I missions was the standard established for which sustained operations were deemed worthy of recognition by an award of the Air Medal. However, the regulation was clear that these guidelines were considered only a departure point.

Combat missions were divided into three categories. A category I mission was defined as a mission performed in an assault role in which a hostile force was engaged and was characterized by delivery of ordnance against the hostile force or delivery of friendly troops or supplies into the immediate combat operations area. A category II mission was characterized by support rendered a friendly force immediately before, during, or immediately following a combat operation. A category III mission was characterized by support of friendly forces not connected with an immediate combat operation but which must have been accomplished at altitudes which made the aircraft at times vulnerable to small arms fire or under hazardous weather or terrain conditions.

To be recommended for award of the Air Medal, an individual must have completed a minimum of 25 category I missions, 50 category II missions, or 100 category III missions. Since various types of missions would have been completed in accumulating flight time toward award of an Air Medal for sustained operations, different computations would have had to be made to combine category I, II, and III flight times and adjust it to a common denominator.

//NOTHING FOLLOWS//