

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 March 2025

DOCKET NUMBER: AR20240007911

APPLICANT REQUESTS: reconsideration of his previous request for award of the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record), 1 May 2024
- self-authored statement
- polygraph exam, 25 July 2023
- polygraph exam, 12 July 2023
- Case AR20170009629 decision document, 9 May 2019

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20170009629 on 18 April 2019.

2. The applicant states he was too injured to know to ask for help. He refers to his self-authored statement where he states he is requesting award of the Purple Heart for his injuries sustained in his first tour to Vietnam in 1969. He references his previous case where he disagrees with the Board's decision and remarks made, adding to their decision by stating he did not even know to ask for help for his injuries. After believing he was called a liar, he took six polygraph tests, which shows he passed all the questions and answered them truthful. He mentioned he is emotional writing these letters, addressing Vietnam, and he is only requesting one Purple Heart for multiple injuries sustained while serving in Vietnam.

3. The applicant enlisted in the Regular Army on 26 March 1968.

4. A review of his service record shows the following:

- a. He had foreign service in Vietnam from 24 March 1969 to 7 November 1970.

b. He was recommended for award of the Bronze Star Medal on 23 August 1970 for meritorious service during the period of 1 June 1970 to 6 November 1970 while in Vietnam.

5. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he was honorably transferred to the U.S. Army Reserve on 8 November 1970. He completed 2 years, 7 months, and 13 days of net active service.

6. He was issued a DD Form 215 (Correction to DD Form 214) showing he was awarded or authorized the following decorations, medals, badges, commendations, citations, and campaign ribbons:

- Combat Medical Badge
- Republic of Vietnam Gallantry Cross with Palm Unit Citation Badge
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation Badge
- Meritorious Unit Commendation Medal

7. The applicant's Official Military Personnel File does not contain any of the following documentation normally used to help verify entitlement to award of the Purple Heart:

- Western Union Telegrams and/or letters
- casualty feeder reports
- medical records indicating hospitalization
- orders/awards citations referencing injury or wounds
- his name is not listed on the Vietnam Casualty Roster

8. The applicant provides two polygraph exams, with an exam date of 12 July 2023 and 25 July 2023, regarding his time in Vietnam and his injuries sustained. He additionally writes answers to his questions from the polygraph exams specifically addressing his bad dreams, receipt of the green beret, being special forces and becoming the most requested man for RECON and patrols, and his injuries received. He states when he stepped into a punji pit, he received multiple bleeding lacerations, he had not seen the pit and was unable to feel the pain because stepping in punji-pits, trip wires, landmines, were so common in Vietnam. He additionally describes an incident when an incoming mortar hit 3 or 4 feet away from him and loosened the steel plates in his boots, he was in a fire fight for over 30 minutes when jets were called in to drop bombs, describing two bleeding injuries to the right side of his jaw from the shrapnel received from the mortar.

9. The ABCMR reviewed the applicant's request for award of the Purple Heart on 18 April 2019. The Board determined the evidence presented did not demonstrate the existence of a probable error or in justice. His request was denied.

BOARD DISCUSSION:

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 review based on law, policy, and regulation. The Board determined to be awarded the Purple Heart, 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 of the Purple Heart. The Board noted the applicant's contention that he was injured in Vietnam and did not know how to ask for help; however, found insufficient evidence to support the applicant's request. Based on the evidence, the Board determined the applicant does not meet the criteria for award of the Purple Heart.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XX	XX	:XX	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 amendment of the ABCMR decision rendered in Docket Number AR20170009629 on 18 April 2019.


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. Army Regulation 15-185 (ABCMR) sets forth procedures for processing requests for the correction of military records. Paragraph 2-15a governs requests for reconsideration. This provision of the regulation allows an applicant to request reconsideration of an earlier decision of the ABCMR. The applicant must provide new relevant evidence or argument that was not considered at the time of the ABCMR's prior consideration. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. It is not an investigative body.

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.

a. Examples of enemy-related injuries which clearly justify award of the Purple Heart are as follows:

(1) Injury caused by enemy bullet, shrapnel, or other projectile created by enemy action.

(2) Injury caused by enemy-placed trap or mine.

(3) Injury caused by enemy-released chemical, biological, or nuclear agent.

(4) Injury caused by vehicle or aircraft accident resulting from enemy fire.

(5) Concussion injuries caused as a result of enemy-generated explosions.

(6) Mild traumatic brain injury or concussion severe enough to cause either loss of consciousness or restriction from full duty due to persistent signs, symptoms, or clinical finding, or impaired brain function for a period greater than 48 hours from the time of the concussive incident.

b. Examples of injuries or wounds which clearly do not justify award of the Purple Heart are as follows:

(1) Frostbite

(2) Trench foot or immersion foot.

- (3) Heat stroke.
- (4) Food poisoning not caused by enemy agents.
- (5) Chemical, biological, or nuclear agents not released by the enemy.
- (6) Battle fatigue.
- (7) Disease not directly caused by enemy agents.
- (8) Accidents, to include explosive, aircraft, vehicular, and other accidental wounding not related to or caused by enemy action.
- (9) Self-inflicted wounds, except when in the heat of battle and not involving gross negligence.
- (10) Post traumatic stress disorders.
- (11) Airborne (for example, parachute/jump) injuries not caused by enemy action.
- (12) Hearing loss and tinnitus (for example: ringing in the ears).
- (13) Mild traumatic brain injury or concussions that do not either result in loss of consciousness or restriction from full duty for a period greater than 48 hours due to persistent signs, symptoms, or physical finding of impaired brain function.
- (14) Abrasions and lacerations (unless of a severity to be incapacitating).
- (15) Bruises (unless caused by direct impact of the enemy weapon and severe enough to require treatment by a medical officer).
- (16) Soft tissue injuries (for example, ligament, tendon or muscle strains, sprains, and so forth).
- (17) First degree burns.

//NOTHING FOLLOWS//