

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 March 2025

DOCKET NUMBER: AR20240008084

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.

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

- Two DD Forms 149 (Application for Correction of Military Record)
- DD Form 214
- Two Department of Veterans Affairs (VA) Letters
- VA Rating Decision
- Two Pictures
- Diagram of a Howitzer and Bullet
- Description of a Howitzer Gun Bullet

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, in effect, in two applications submitted to the Board, he believes he meets the criteria for award of the PH based on information he received from the Department of Veterans Affairs. His lower spine was injured because of his combat experiences in the Republic of Vietnam while assigned to A Battery, 1st Battalion, 30th Artillery Regiment, 1st Cavalry Division from February to November 1969. He sustained injuries while defending [REDACTED] and [REDACTED] when the enemy attempted to overrun the post.

3. Additionally, he states he was partially immobilized due to a slight concussion in 1969, only the wounded and dead were medically evacuated out of the "LZ," but later the next day a chopper took him to a medical station. It took the government 7 months to send him to Vietnam, and more than 50 years to realize his injury. His first sergeant and section leader hated him, because of his military appearance. He was given every dirty detail he could think of, but he never complained. He has lived in pain more than

50 years. He also annotated his application to show he has a disability and suffers from post-traumatic-stress disorder (PTSD).

4. On 13 May 1968, the applicant was ordered to active duty from the Army National Guard (ARNG) for a period of 2 years. He held military occupational specialty 13A (Field Artillery).

5. His DA Form 20 (Enlisted Qualification Record) includes the following information or entries in:

a. Item 17 (Physical Status), PULHES of 113111.

b. Item 18 (Assignment Limitations), no crawling, stooping, running, jumping, prolonged standing, or marching, and no strenuous activity.

c. Item 31 (Foreign Service), shows he served in Vietnam from 25 February 1969 to 24 November 1969.

d. Item 38 (Record of Assignments), shows he served with the following units from:

- 4 March to 22 March 1969, 1st Battalion, 77th Artillery, 1st Air Cavalry Division
- 23 March to 30 June 1969, A Battery, 1st Battalion 30th Artillery, 1st Cavalry Division
- 1 July to 22 November 1969, Headquarters, Headquarters Battery Division Artillery, 1st Cavalry Division

e. Item 40 (Wounds) contains no entries.

f. Item 41 (Awards and Decorations) does not list the PH as an authorized award.

6. His DD Form 214 shows, on 12 December 1969, he was honorably released from active duty and transferred to the ARNG. He completed 1 year, and 7 months of net active service this period, of which, 9 months, and 1 day were credited as foreign service in the U.S. Army Vietnam. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) lists the:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam (RVN) Campaign Medal
- Army Commendation Medal

7. The PH is not listed on the DD Form 214.

8. The applicant provided a:

a. Letter from the VA showing he was provided a compact disc containing service treatment record for his personal use.

b. Letter he wrote the VA seeking award of the PH.

c. VA Rating Decision, showing he has service connection for degenerative arthritis, and spinal fusion (previously addressed as spondylolysis, 5th lumbar vertebrae), with an evaluation of 20 percent effective, 12 September 2023.

9. 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, failed to reveal orders awarding him the PH for wounds received in action. Additionally, his name is not listed on the Vietnam Casualty Roster.

10. The available evidence did not reveal any evidence that shows the applicant was suffering from PTSD or that he had a disability that required processing through medical channels prior to discharge. Additionally, the available evidence does not contain any medical documents showing the applicant was injured as a result of hostile 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 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 evidence of record shows the applicant served in Vietnam from on or about 25 February 1969 to on or about 24 November 1969 with the following units: 1st Battalion, 77th Artillery, 1st Air Cavalry Division, A Battery, 1st Battalion 30th Artillery, 1st Cavalry Division, Headquarters, Headquarters Battery Division Artillery, 1st Cavalry Division. His record is void of injuries sustained as a result of enemy action. Therefore, the Board denied relief.

2. Prior to the closing of the Board it was noted the applicant's DA Form 20 shows he was awarded the Army Good Conduct Medal and Republic of Vietnam Gallantry Cross with Palm Unit Citation. These awards will be administratively added to his DD Form 214.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

ADMINISTRATIVE NOTES:

The applicant's DA Form 20 shows he was awarded the Army Good Conduct Medal and Republic of Vietnam Gallantry Cross with Palm Unit Citation. Amend the applicant's DD Form 214, ending on 12 December 1969 to add the aforementioned awards.

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 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.

The acronym "PUHLES" describes the following six physical factors used in the profiling system to classify medical readiness: "P" (Physical capacity or stamina), "U" (Upper extremities), "L" (Lower extremities), "H" (Hearing), "E" (Eyes), and "S" (Psychiatric). Physical profile ratings are permanent (P) or temporary (T). A Service Members level of functioning under each factor is represented by the following numerical designations: 1 indicates a high-level of fitness, 2 indicates some activity limitations are warranted, 3 reflects significant limitations, and 4 reflects one or more medical conditions of such a severity that performance of military duties must be drastically limited.

//NOTHING FOLLOWS//