

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 June 2025

DOCKET NUMBER: AR20240008385

APPLICANT REQUESTS:

- correction of his DD Form 214 (Armed Forces of the U.S. Report of Transfer or Discharge) for the period ending on 31 March 1970 to reflect the Purple Heart
- a personnel appearance (video/telephone)

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Veterans Affairs letter, 8 February 2022 – reflective of the applicant's rating for Post Traumatic Stress Disorder being increased from 10 to 70 percent
- Privacy Act and HIPAA Authorization Form – reflective of the applicant's submitted request and authorization for release of information to his Congressional representative; additional letter detailing the applicants submitted request

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 pertinent part that his DD Form 214 is incorrect because it does not reflect authorization for the Purple Heart.
3. A review of the applicant's available service records reflects the following:
 - On 1 April 1968 – he was inducted into the Army of the United States) with duty as a 91B (Medical Specialist)
 - On or about 8 September 1968 – he was deployed to the Republic of Vietnam
 - On or about 29 August 1969 – he was redeployed to the U.S.

- On 31 March 1970 – he was honorably released from active duty and transferred into the U.S. Army Reserve (USAR) Control Group (Annual Training); DD Form 214, item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) reflects –

- National Defense Service Medal
- 2 Overseas Service bars
- Sharpshooter Badge (M-16)
- Vietnam Service Medal
- Combat Medical Badge
- Marksmanship Badge (M-14)
- Vietnam Campaign Medal
- Army Commendation Medal

- On 27 February 1974 (Letter Orders Number 02-1056559) – he was discharged from the USAR on 1 March 1974

4. Review of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the Awards and Decorations Branch of the U.S. Army Human Resources Command, failed to reveal any orders for the Purple Heart. The applicant's name is not shown on the Vietnam casualty listing. This is a listing of Vietnam era casualties commonly used to verify entitlement to award of the Purple Heart. Item 40 (Wounds) of his DA Form 20 (Enlisted Qualification Record) does not list an injury as a result of hostile action or a date for an injury.

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. The applicant's military records confirm service in the Republic of Vietnam from on or about 8 September 1968 to on or about 29 August 1969. The applicant's DA Form 20 does not contain any entries indicating wounds sustained as a result of enemy action. A review of human resources systems of record failed to reveal any orders awarding the applicant the Purple Heart. The applicant's submissions were reviewed in conjunction with the available official records. The governing regulation requires substantiating evidence that a Soldier was wounded or injured as a direct result of enemy action, and that the wound required treatment by medical personnel, with such treatment documented in official records.

2. The applicant's record is void of documentation meeting these criteria. No official orders or entries confirm award of the Purple Heart. The absence of entries on the DA Form 20 and the lack of substantiating documentation weigh heavily against the applicant's claim. Without medical records or official orders verifying wounds sustained due to enemy action, the regulatory requirements for award of the Purple Heart are not met. The applicant's service in Vietnam is acknowledged; however, eligibility for the Purple Heart requires specific evidence that is not present in the record.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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.

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 (AR) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicant's do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.
3. U.S. Army Vietnam (USARV) Regulation 672-1 (Decorations and Awards) provides for award of the Purple Heart. The authority to award the Purple Heart was delegated to hospital commanders. Further, it directed that all personnel treated and released within 24 hours would be awarded the Purple Heart by the organization to which the individual is assigned. Personnel requiring hospitalization in excess of 24 hours or evacuation from Vietnam would be awarded the Purple Heart directly by the hospital commander rendering treatment.
4. AR 672-5-1 (Military Awards) provides that the Purple Heart was awarded 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 had been wounded, killed, or who had died as a result of a wound sustained 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 a medical officer, and the medical treatment must have been made a matter of official record.

//NOTHING FOLLOWS//