

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 June 2025

DOCKET NUMBER: AR20240008536

APPLICANT REQUESTS: reconsideration of his previous request to be awarded the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement
- Statement from T-R- dated 5 October 2009 which stated:
 - The author was a combat medic assigned to the applicant's unit when they were ambushed by the enemy in South Vietnam on 15 November 1967
 - The unit was pinned down in a canal for hours
 - The applicant was returning fire when he received a spray of shrapnel to the left side of his face
 - The author dressed the applicant's wound
 - The applicant remained with the unit because they were unable to get air support
 - The applicant should have received the Purple Heart
- Statement from J-S- dated 2 February 2024 which stated:
 - As an infantry officer he served in the Republic of Vietnam with the 9th Infantry Division (ID) during the period of September 1967 through September 1968
 - On 16 November 1967, he was the Second Lieutenant Platoon Leader for 1st Platoon, Bravo Company, 5th Battalion (BN), 60th Infantry Regiment, 9th ID based in Binh Phuoc, South Vietnam
 - The platoon participated in a BN size air mobile search and destroy mission in the Mekong Delta known as Cai Lay
 - During the operation the applicant was his radio operator who carried the PRC 25 radio
 - The applicant was always within feet of him while they were in the field

- As they approached the landing zone, they came under intense enemy fire from North Vietnamese regulars who were using heavy machine guns, rocket propelled grenades and small arms fire
 - The platoon managed to work their way to a canal for cover
 - They returned fire from the canal embankment
 - The battle continued for several hours into the night
 - The platoon sustained several persons killed in action and wounded in action during the fight
 - During the engagement with the enemy an explosion hit close to their position
 - At which time, the applicant was hit on the left side of his face with shrapnel
 - At the time he was returning fire approximately 6 to 8 feet from the applicant and he personally witnessed the incident
 - The combat medic attended to the applicant's wound
 - The wounded could not be medically evacuated as they were pinned down to include a downed helicopter
 - He is writing to support the applicant's request to be awarded the Purple Heart
 - We should understand that paperwork can be lost or misdirected in the heat of combat
 - This should not diminish the applicant's service to his country, who served with courage and honor
 - He is proud to have served along side the applicant and he strongly recommends the well-deserved Purple Heart
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
 - DD Form 149 from Docket Number AR20100020070

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 AR20100020070 on 27 January 2011. The Board determined the overall merits of this case were insufficient as a basis for correction of the applicant's service record. The evidence presented did not demonstrate the existence of a probable error or injustice. By regulation, in order to support the award of the Purple Heart there must be evidence the wound for which the award is being made was received as a result of enemy action, the wound required treatment by medical personnel, and a record of this medical treatment must have been made a matter of official record. In this case, the evidence of record fails to corroborate the applicant's claim that he sustained a wound or injury in the Republic of Vietnam warranting award of the Purple Heart.

2. The applicant states:

- Paperwork for his wound was lost as they were in the field for a long period of time due to being on a mission
- He contacted his platoon leader, Lieutenant (LT) J-S-
- He served as the LT's radio operator at the time he was wounded
- The LT recalled the fire fight they were in, and he volunteered to write a letter in support of his request for the Purple Heart
- He hopes the Board finds he is deserving of the award after reviewing the LT's statement and the previously provided statement from the medic who treated him and his previous statement

3. A review of the applicant's service record shows:

- On 11 October 1966, he was inducted into the Army of the United States as a Light Weapons Infantryman (11B)
- DA Form 20 (Enlisted Qualification Record) shows in:
 - Item 31 (Foreign Service): served in the U.S. Army Republic of Vietnam during the period of 2 April 1967 through 28 March 1968
 - Item 38 (Record of Assignments): on 10 April 1967, he was assigned as a Rifleman with B Company, 5th BN, 60th Infantry Regiment, 9th ID in the Republic of Vietnam until May 1968
 - Item 40 (Wounds): void of any mention of wounds sustained
 - Item 41 (Awards and Decorations):
 - National Defense Service Medal
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Vietnam Service Medal
 - Combat Infantryman Badge (First Award)
 - Vietnam Campaign Medal with 1960 Device
 - Overseas Service Bar (Second Award)
- On 10 October 1968, he was assigned to the U.S. Army Reserve (USAR) Control Group (Annual Training) by Special Orders Number 211 dated 24 September 1968
- On 10 October 1968, he was honorably released from active duty and assigned to the USAR Control Group (Annual Training), DD Form 214 shows in:
 - Item 22c (Foreign and/or Sea Service): Vietnam for 11-months and 27-days
 - Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- National Defense Service Medal
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Vietnam Service Medal
 - Combat Infantryman Badge (First Award)
 - Vietnam Campaign Medal with 1960 Device
 - Overseas Service Bar
- Item 30 (Remarks): void of any mention of wounds sustained

4. The applicant's service record is void of any orders or other documents which would indicate he was awarded the Purple Heart. It also does not include any medical treatment records that indicated he was treated for a combat related wound or injury while serving in the Republic of Vietnam.

5. The Department of the Army Vietnam casualty roster is void of any entry the applicant was a Republic of Vietnam casualty.

6. A 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 Military Awards Branch of the U.S. Army Human Resources Command, failed to reveal any orders for award of a Purple Heart pertaining to the applicant.

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 2 April 1967 to on or about 28 March 1968. 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.

2. 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. 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. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found 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 to amend the decision of the ABCMR set forth in Docket Number AR20100020070 on 27 January 2011.

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):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period of service October 11, 1966, through October 10, 1968, by amending: Items 24: Vietnam Service Medal with 3 Bronze Service Stars and the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214 period of service October 11, 1966, through October 10, 1968
- DA Form 20 (Enlisted Qualification Record)
- Department of the Army General Orders Number 8, dated 1974
- Army Regulation (AR) 600-8-22 (Military Awards)

3. Please correct the applicant's DD Form 214 by amending the items shown in paragraph 1 above. Provide the applicant a copy of the corrections. Please ensure that the corrections are recorded in the applicant's official military personnel record.

REFERENCES:

Army Regulation 600-8-22 (Military Awards) prescribes Department of the Army (DA) policy, criteria, and procedures for individual and unit military awards and foreign decorations and badges. Paragraph 2-7 (Purple Heart), while clearly an individual decoration, the Purple Heart differs from all other decorations in that an individual is not recommended for the decoration; rather, they are entitled to it upon meeting specific criteria. The Purple Heart is awarded to any member of an Armed Force of the United States who has been wounded, killed, or who has died or may hereafter die of wounds received under any 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 United States are or have been engaged
- While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party
- As the result of an act of any such enemy or opposing armed force
- As the result of an act of any hostile foreign force
- While being taken captive or while being held as a Prisoner of War

To qualify for award of the Purple Heart, the wound must have been of such severity that it required treatment, not merely examination, by a medical officer. A wound is

defined as an injury to any part of the body from an outside force or agent. A physical lesion is not required.

- Treatment of the wound will be documented in the member's medical or health record
- Award may be made for a wound treated by a medical professional other than a medical officer, provided a medical officer includes a statement in the member's medical record that the severity of the wound was such that it would have required treatment by a medical officer if one had been available to provide treatment

//NOTHING FOLLOWS//