

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 March 2025

DOCKET NUMBER: AR20240008712

APPLICANT REQUESTS: correction of his record to show he was awarded the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 1380 (U.S. Field Medical Card), 6 March 1966, that shows the applicant was diagnosed with a perforated ear drum and the injury was a result of enemy action; item 20 (Treatment Given) is void of an entry and item 27 (Disposition-Disposal/Destination) shows "evac"
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending 13 September 1967 is void of an entry for the Purple Heart
- Congressional response letter, 7 May 2024, that states enclosed is a reply from the National Personnel Records Center regarding medals and ribbons he was awarded from the Navy and Army, but could not establish eligibility for the Purple Heart

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, he is due the Purple Heart because he was wounded with a head injury due to enemy action.
3. A review of the applicant's service record shows:
 - He enlisted in the Regular Army on 16 September 1964
 - His DA Form 20 (Enlisted Qualification Record) shows, in pertinent part:
 - Item 22 (Military Occupational Specialties): 11B10 (Light Weapons Infantryman), 29 January 1965; 03C20 – Physical Activities Specialist,

27 May 1966

- Item 31 (Foreign Service): 6 January 1966 – 21 March 1966; U.S. Army Pacific (USARPAC)-Vietnam
 - Item 38 (Record of Assignments):
 - -25 November 1965 – Enroute to USARPAC
 - -14 January 1966 – 11B10; Excess – Company A, 2nd Battalion, 12th Cavalry Regiment, 1st Cavalry Division
 - -15 March 1966 – Patient; Medical Holding Detachment U.S. Army Hospital
 - -21 March 1966 – Casual; 257th Replacement Company (Attached)
 - Item 40 (Wounds): Void of any entry
 - Item 41 (Awards and Decorations):
 - Army of Occupational Medal (Berlin)
 - Republic of Vietnam Service Medal
 - Combat Infantryman Badge
 - National Defense Service Medal
 - On 13 September 1967 he was honorably transferred to the U.S. Army Reserve (USAR) Control Group (Reinforcement) after completing 2 years, 11 months, and 28 days of net active service; his DD Form 214 is void of an entry for the Purple Heart
4. The applicant's available service record does not contain, nor does he provide orders for award of the Purple Heart.
5. His name is not shown on the Department of the Army Office of the Adjutant General Casualty Division Casualty Reference Name Listing for the period 1 January 1961 through 30 June 1973, a battle and non-battle listing of Soldiers who were killed, wounded, sick, captured, or missing during their service in Vietnam. His name is not listed on the Vietnam Casualty Roster.
6. A review of the Awards and Decorations Computer Assisted Retrieval System maintained by the U.S. Army Human Resources Command, which is an index of General Orders issued during the Vietnam era between 1965 and 1973, failed to reveal any orders for the 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 as it pertains to the Purple Heart. 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 6 January 1966 – 21 March 1966. His record is void of evidence of an injury requiring medical treatment and documentation sustained in action against an enemy or as a result of hostile action as a result of enemy. Therefore, the Board denied relief.

2. Prior to the closing of the Board it was noted the applicant's DA Form 20 shows he had all excellent conduct and efficiency rating and was not awarded the Army Good Conduct Medal (First Award), additionally, he was eligible for the Republic of Vietnam Gallantry Cross with Palm Unit Citation and one bronze service star on his already awarded Vietnam Service Medal. 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:

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 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 had all excellent conduct and efficiency rating and was not awarded the Army Good Conduct Medal (First Award), additionally, he was eligible for the Republic of Vietnam Gallantry Cross with Palm Unit Citation and one bronze service star on his already awarded Vietnam Service Medal. Amend the applicant's DD Form 214, ending on 13 September 1967, to add the

- Army Good Conduct Medal (First Award) for the period 16 September 1964 through 13 September 1967,
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- one bronze service star on his already awarded Vietnam Service Medal.

REFERENCES:

1. Title 10, USC, 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 begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

3. AR 635-5 (Separation Documents) in effect at the time, prescribes the separation documents that will be furnished each individual who is separated from the Army. All available records will be used as a basis for the preparation of DD Form 214, including DA Form 20, and orders. Item 24; enter from DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

4. AR 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.

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

(1) Frostbite (excluding severe frostbite requiring hospitalization from 7 December 1941 to 22 August 1951).

(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) Abrasions and lacerations (unless of a severity to be incapacitating).
- (14) Bruises (unless caused by direct impact of the enemy weapon and severe enough to require treatment by a medical officer)
- (15) Soft tissue injuries (for example, ligament, tendon or muscle strains, sprains, and so forth).
- (16) First degree burns.

//NOTHING FOLLOWS//