

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2025

DOCKET NUMBER: AR20240008714

APPLICANT REQUESTS: reconsideration of his previous request for 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:

- DD Form 149 (Application for Correction of Military Record)
- Purple Heart Medal Criteria
- Photo of Purple Heart Medal
- DD Form 214, for the period ending 7 March 1972

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 AR20230005392 on 9 October 2012.

2. The applicant states he is requesting award of the Purple Heart. While he was in Vietnam, himself and another Soldier's jeep overturned after hitting a land mine on 19 December 1970 at 20:46 in Vietnam. The applicant marked post-traumatic stress disorder (PTSD) on his DD Form 149 as a condition related to his request.

3. The applicant provides an extract with the Purple Heart Medal criteria and a photo of Purple Heart Medal.

4. The applicant's military records are not available for review by the Board. This case is being considered using reconstructed records, which primarily consist of a DD Form 214.

a. He enlisted in the Regular Army on 8 January 1970.

b. Block 30 (Remarks) shows he served in Vietnam from 9 September 1970 to 5 September 1971.

c. He was honorably released from active duty on 7 March 1972 and transferred to the U.S. Army National Guard. His DD Form 214 shows he completed 2 year and 2 months of active service with no lost time. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal with two bronze service stars
- Vietnam Campaign Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

d. His name is not shown on the Vietnam casualty roster, a compilation of most of those who were wounded in Vietnam, which is used to verify eligibility for the Purple Heart.

e. 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 and/or Silver Star pertaining to the applicant.

5. A review of the applicant's record confirms he is eligible for an award that is not recorded on his DD Form 214. The award will be added to his DD Form 214 as an administrative correction and will not be considered by the Board.

6. On 9 October 2012, the ABCMR rendered a decision in Docket Number AR20230005392. The Board found in the absence of evidence to show he was wounded or injured as a result of hostile action, treated for such wounds, and that the medical treatment was made a matter of official record, there is insufficient evidence upon which to base correction of his records to show award of the Purple Heart.

7. By regulation (AR 600-8-22), the Purple Heart is awarded for a wound/injury 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 medical personnel
- the medical treatment must have been made a matter of official record

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. Upon review of the applicant's petition and available military records, the Board noted the applicant's contentions that he was injured in Vietnam on 19 December 1970 when the jeep he was riding in struck a land mine and overturned. He further noted that he experiences post-traumatic stress disorder (PTSD) related to this incident and believes it qualifies him for the Purple Heart. Additionally, a photo of the Purple Heart Medal and an extract outlining the award criteria.

2. The Board found the applicant served honorably in Vietnam from 9 September 1970 to 5 September 1971 and was released from active duty on 7 March 1972. His DD Form 214 reflects several authorized awards but does not include the Purple Heart. A review of the Vietnam casualty roster and the Awards and Decorations Computer Assisted Retrieval System maintained by the U.S. Army Human Resources Command failed to produce any documentation verifying the applicant's entitlement to the Purple Heart. The Board determined there is insufficient evidence to show that the applicant was wounded or injured as a result of hostile action, received medical treatment for such wounds, and that the treatment was made a matter of official record. . In accordance with Army Regulation 600-8-22, all three criteria must be met to support award of the Purple Heart. In the absence of substantiating documentation, the Board found no basis to amend the previous Board determination for correction of the applicant's DD Form 214 to reflect award of the Purple Heart. Therefore, relief is denied.

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:

<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 to amend the decision of the ABCMR set forth in Docket Number AR20230005392 on 9 October 2012.

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:

A review of the applicant's service records show he is authorized additional awards not annotated on his DD Form 214 for the service period ending 10 June 1970. As a result, correct his DD Form 214 to show the Republic of Vietnam Gallantry Cross Unit Citation with Palm.

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 (Military Awards) provides Army policy, criteria, and administrative instructions concerning individual military decorations. The Purple Heart is awarded in the name of the President of the United States 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 after 5 April 1917, has been wounded or killed, or who has died or may hereafter die after, being wounded:

- 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 U.S. are or have been engaged
- While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party.
- As the result of an act of any such enemy of opposing Armed Forces
- As the result of an act of any hostile foreign force

3. The Purple Heart was established by General George Washington at Newburgh, NY on 7 August 1782 during the Revolutionary War. It was reestablished by the President of the United States per War Department General Orders Number 3 in 1932. It was awarded in the name of the President of the United States to any member of the Armed Forces 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 after 5 April 1917, died or sustained wounds as a result of hostile action. Effective 19 May 1998, award of the Purple Heart is limited to members of the Armed Forces of the United States.

4. Department of the Army Pamphlet 672-3 (Unit Citations and Campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict. Department of the Army General Orders (DAGO) Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross Unit Citation with Palm to Headquarters, United States Army Vietnam, for service in Vietnam for the period of 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//