

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 April 2025

DOCKET NUMBER: AR20240009087

APPLICANT REQUESTS: in effect, correction of his reissued and corrected DD Form 214 (Certificate of Release or Discharge from Active Duty) to show all authorized awards, to include the following:

- Purple Heart
- Army Good Conduct Medal (1st Award)
- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)

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

- DD Form 149 (Application for Correction of Military Record)
- Extract from Army Board for Correction of Military Records (ABCMR) Docket Number AR20220007373
- Reissued and corrected DD Form 214
- Clinical Record Cover Sheet
- Standard Form 502 (Clinical Record – Narrative Summary)
- Department of Veterans Affairs (VA) Form 21-526EZ (Claim Information)
- Photocopies of x-rays

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's requested relief for the Army Good Conduct Medal (1st Award), National Defense Service Medal, Vietnam Service Medal, and Republic of Vietnam Campaign Medal with Device (1960) are supported by sufficient evidence; as a result, that portion of the requested relief will be addressed in the "ADMINISTRATIVE NOTE(S)" section and not further considered by the Board.

3. The applicant provides the following:

a. Clinical Record Cover Sheet:

- The form reflects the applicant's hospitalization, from 16 September to 10 October 1968, during which he underwent surgery
- Item 34 (Diagnoses) describes the applicant's injury and states it was incurred as a result of an October 1967 helicopter crash in Vietnam

b. Standard Form 502; the form indicates the applicant incurred his injuries in a helicopter crash that occurred in Vietnam. During his hospitalization, the applicant had surgery to further repair his injuries.

c. VA Form 21-526EZ provides a list of the applicant's medical conditions.

d. X-Rays, taken in 2011, reflecting orthopedic repairs.

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

- On 20 December 1961, after obtaining his parent's permission, the applicant enlisted into the Regular Army; upon completion of initial entry training, and the award of military occupational specialty 941.10 (Cook) at Fort Polk, LA, the applicant remained at Fort Polk as his first duty assignment
- On 14 January 1964, the Army honorably discharged the applicant so he could immediately reenlist; on 15 January 1964, the applicant reenlisted for 6 years; orders reassigned him to Germany, and he arrived at his new unit, in March 1964
- While stationed in Germany, General Orders (GO) awarded him the Army Good Conduct Medal (1st Award)
- In February 1966, the applicant completed his tour in Germany, and orders reassigned him to the 69th Engineer Battalion at Fort Hood, TX (now renamed Fort Cavazos)
- While at Fort Hood, the applicant's accompanied his unit on permanent change of station orders to Vietnam; he arrived in Vietnam, on 14 April 1967
- On 5 October 1967, the applicant sustained burn injuries to his face, neck, arms, back, and chest, due to a helicopter crash; on or about 20 November 1967, after receiving initial care in theater, the Army medically evacuated him to Fort Hood for further treatment
- On 24 August 1968, following his release from the hospital, and on-the-job training in a new MOS (76X (Subsistence Storage Specialist)), orders assigned him to a supply and transport battalion at Fort Hood
- On 3 December 1969, a general court-martial convicted the applicant of stealing over \$2,000 in mess hall funds while serving as a ration distribution supervisor;

the court's punishment included a dishonorable discharge and confinement for one year

- On 21 January 1970, the general court-martial convening authority's Staff Judge Advocate (SJA) prepared an FH Form 842 (Review of the SJA); in summarizing the applicant's military record, the SJA noted the applicant's service record reflected the award of the Purple Heart
- On 21 January 1970, the general court-martial convening authority approved the sentence; on 30 January 1970, orders transferred the applicant to the U.S. Disciplinary Barracks at Fort Leavenworth, KS
- On 21 May 1970, by order of the Secretary of the Army, the applicant's discharge was changed to a bad conduct discharge; on 6 April 1971, orders separated the applicant accordingly; the item listing award on his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) stated, "NA" (not available)
- On 11 April 2022, the applicant petitioned the Board for an upgraded character of service; on 3 February 2023, the Board granted his request and upgraded him to a general discharge under honorable conditions
- On 30 June 2023, the Army Review Boards Agency reissued the applicant and amended DD Form 214; item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) states, "NA"

5. The applicant's available service record contains no GO awarding him the Purple Heart. Additionally, his DA Form 20 (Enlisted Qualification Record) reflects the following:

- Item 31 (Foreign Service) – Service in Vietnam, from 14 April to 20 November 1967
- Item 40 (Wounds) – "Body Burns consisting of face, neck, arms, back, and chest" occurring on 5 October 1967
- Item 41 (Award and Decorations) – Army Good Conduct Medal (1st Award), National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with Device (1960), Purple Heart (no GO listed), and Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

6. The Vietnam Casualty Roster identifies, by name, Soldiers who were casualties during the Vietnam War.

- The Vietnam Casualty Roster is commonly used to verify the entitlement to the award of the Purple Heart
- The applicant is not listed on this roster

7. The Awards and Decorations Computer-Assisted Retrieval System (ADCARS) is an index of general orders issued during the Vietnam era between 1965 and 1973.

- ADCARS is maintained by the U.S. Army Human Resources Command
- A check of ADCARS did not show the issuance of Purple Heart General Orders 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 as 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 applicants petition and available military records the Board found insufficient evidence that established the plane crash where the applicant received wounds was caused by enemy forces that required treatment by medical personnel. The Board carefully considered applicant's medical documentation showing his burns to his hands, neck, face and upper body, however there is no evidence as to what and how the crash occurred. The Burden of proof rest with the applicant, however he did not provide sufficient evidence that met the criteria for award of the Purple Heart. Based on this, the Board denied relief.
2. Per the regulatory guidance on awarding the Purple Heart, the applicant must provide or have in his service records substantiating evidence to verify that he was injured, 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.
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
████████	████████	████████	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.

[REDACTED]

[REDACTED]

[REDACTED]

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):

Per the applicant's DA Form 20 (Enlisted Qualification Record), General Orders Number 11, dated 5 June 1965, and Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register), add the following to his reissued DD Form 214, ending 6 April 1971:

a. Item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized):

- Army Good Conduct Medal (1st Award)
- National Defense Service Medal
- Vietnam Service Medal with two bronze service stars
- Meritorious Unit Commendation
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Republic of Vietnam Campaign Medal with Device (1960)
- Republic of Vietnam Civil Actions Honor Medal, First Class, Unit Citation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

b. Item 18 (Remarks): add the comment, "Service in Vietnam 14 April to 20 November 1967."

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) 600-8-22 (Military Awards), currently in effect, prescribes policies and procedures for military awards. Paragraph 2-7 (Purple Hearts) states:
 - a. The Purple Heart is awarded in the name of the President of the United States to any member of an Armed Force of the United States under the jurisdiction of the Secretary of the Army who, after 5 April 1917, 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 Forces
 - As the result of an act of any hostile foreign force
 - b. To qualify for the Purple Heart, the wound must have been of such severity that it required treatment, not merely examination, by a medical officer.
 - A medical professional is defined as a civilian physician or a physician extender; physician extenders include nurse practitioners, physician assistants, and other medical professionals qualified to provide independent treatment
 - 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.
 - Additionally, the wound's treatment must be documented in the Soldier's medical records
3. AR 600-200 (Enlisted Personnel Management), in effect at the time, prescribed policies and procedures for the career management of enlisted Soldiers. Chapter 9 (Enlisted Qualification Record (DA Forms 20, 20A, 20B, and 2876) gave detailed instructions for entries on the DA Form 20 (Enlisted Qualification Record). Paragraph

9-53 (Wounds (item 40)) stated the entry was to show a brief description of wounds or injuries that required medical treatment and had been incurred as a result of hostile or enemy action.

//NOTHING FOLLOWS//