

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 May 2025

DOCKET NUMBER: AR20240009405

APPLICANT REQUESTS: reconsideration of his previous request for award of the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- DD Form 214 for the period ending 17 October 1971
- Department of Veterans Affairs (VA) Rating Decision, 29 June 2023
- VA Benefits Letter, 3 July 2023

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 AR20200003666 on 25 November 2020.

2. The applicant states he never received the Purple Heart after being wounded by a grenade and having fragments in his right thigh while serving in Vietnam. The VA has noted this as a service connected injury.

3. He was inducted into the Army of the United States on 12 March 1970. Upon completion of initial entry training, he was awarded military occupational specialty 11B (Light Weapons Infantryman).

4. His DA Form 20 (Enlisted Qualification Record) shows in:

a. item 31 (Foreign Service), he received overseas credit for service in the United States Army Pacific – Vietnam from 9 August 1970 through 15 October 1971;

b. item 38 (Record of Assignments), he was assigned to Company B, 1st Battalion, 501st Infantry Regiment from on or about 6 September 1970 through on or about 11 October 1971;

c. item 40 (Wounds), no entries indicating he was wounded or injured as a result of enemy action in Vietnam; and

d. item 41 (Awards and Decorations), no entry showing he was awarded the Purple Heart.

5. He participated in the following campaigns during his service in Vietnam:

- Vietnam Counteroffensive, Phase VII, 1 July 1970 – 30 June 1971
- Consolidation I, 1 July 1971 – 30 November 1971

6. His military records are void of orders awarding him the Purple Heart, nor do they contain any documentation indicating he was treated for wounds or injuries he sustained as a result of enemy action during his service in Vietnam.

7. He was honorably released from active duty and transferred to the U.S. Army Reserve on 17 October 1971. His DD Form 214 shows in:

- item 22c (Foreign and/or Sea Service) – U.S. Army Pacific, 1 year, 2 months, and 8 days
- item 24 (Decorations, Medals, Badges, Commendations, Citations and campaign Ribbons Awarded or Authorized) the:
 - Bronze Star Medal
 - Air Medal
 - Army Commendation Medal
 - National Defense Service Medal
 - Vietnam Service Medal
 - Sharpshooter Marksmanship Qualification Badge (M-16)
- item 30 (Remarks) – Vietnam: 9 August 1970 – 16 October 1971

8. The Vietnam casualty roster does not list the applicant's name.

9. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973, maintained by the U.S. Army Human Resources Command Awards and Decorations Branch, failed to reveal any orders awarding him the Purple Heart.

10. In his previous case, he provided a Standard Form 600 (Chronological Record of Medical Care) that shows he was examined and treated by Company B, 326th Medical Battalion, 101st Airborne Division on 18 September 1970 to recheck his fragmentary

wound on his right thigh that occurred three nights prior. (Note: The applicant's name does not appear on this form.)

11. He provides:

a. VA Rating Decision, dated 29 June 2023, which shows he was awarded service connection for retained foreign body, right thigh to XIV muscle group is severed effective 1 September 2023, and

b. VA Benefits Letter, dated 3 July 2023 showing his monthly entitlement due to his service connected injury.

12. On 25 November 2020 in Docket Number AR20200003666, the ABCMR denied his request. The Board found there was insufficient evidence of an error or injustice which would warrant relief. However, it did note there was corrections needed to fully depict his military service and issued him a DD Form 215 (Correction to DD Form 214), showing his DD Form 214 for the period ending 17 October 1971 was corrected by adding the following awards:

- Army Good Conduct Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Action Honor Medal First Class Unit Citation

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Although the applicant provides evidence of an injury from VA documents, the Board found insufficient evidence the VA documentation failed to reflect that the injury was incurred as a result of direct combat operations. Based upon the regulatory requirement to award the Purple Heart that the injury incurred was as a result of direct combat operations, the Board concluded there was insufficient evidence of an error or injustice warranting adding the Purple Heart to the applicant's DD Form 214.

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:

1. 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.
2. Prior to closing the case, the Board noted the administrative notes below from the analyst of record and recommended those changes be completed to more accurately reflect the military service of the applicant.

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):

The applicant is authorized administrative correction of his DD Form 214 for the period ending 17 October 1971 without Board action to show the following awards;

- two bronze service stars with his already awarded Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)

REFERENCES:

1. Army Regulation 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record; it is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

2. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. 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. The Purple Heart differs from all other decorations in that an individual is not "recommended" for the decoration; rather, he or she is entitled to it upon meeting specific criteria. When contemplating eligibility for the Purple Heart, the two critical factors commanders must consider is the degree to which the enemy or hostile force caused the wound and whether the wound was so severe that it required treatment by a medical officer.

(1) A wound is defined as an injury to any part of the body from an outside force or agent sustained under one or more of the conditions listed below. A physical lesion is not required. However, the wound for which the award is made must have required treatment, not merely examination, by a medical officer. Additionally, treatment of the wound will be documented in the service member's medical and/or health record. Award of the Purple Heart may be made for wounds treated by a medical professional other than a medical officer provided a medical officer includes a statement in the service member's medical record that the extent of the wounds was such that they would have required treatment by a medical officer if one had been available to treat them.

(2) The key issue commanders must take into consideration when contemplating an award of this decoration is the degree to which the enemy caused the injury. The fact that the proposed recipient was participating in direct or indirect combat operations is a necessary prerequisite, but is not sole justification for award.

(3) Examples of enemy-related injuries which justify award of the Purple Heart are as follows:

- injury caused by enemy bullet, shrapnel, or other projectile created by enemy action

- injury caused by enemy-placed trap or mine
- injury caused by enemy-released chemical, biological, or nuclear agent
- injury caused by vehicle or aircraft accident resulting from enemy fire
- concussion injuries caused as a result of enemy-generated explosions
- mild traumatic brain injury or concussion severe enough to cause either loss of consciousness or restriction from full duty due to persistent signs, symptoms, or clinical finding, or impaired brain function for a period greater than 48 hours from the time of the concussive incident

(4) Examples of injuries or wounds which do not justify award of the Purple Heart are as follows:

- frostbite (excluding severe frostbite requiring hospitalization from 7 December 1941 to 22 August 1951)
- trench foot or immersion foot
- heat stroke
- food poisoning not caused by enemy agents
- chemical, biological, or nuclear agents not released by the enemy
- battle fatigue
- disease not directly caused by enemy agents
- accidents, to include explosive, aircraft, vehicular, and other accidental wounding not related to or caused by enemy action
- self-inflicted wounds, except when in the heat of battle and not involving gross negligence
- post-traumatic stress disorder
- airborne (for example, parachute/jump) injuries not caused by enemy action
- hearing loss and tinnitus (for example, ringing in the ears)
- mild traumatic brain injury or concussions that do not either result in loss of consciousness or restriction from full duty for a period greater than 48 hours due to persistent signs, symptoms, or physical finding of impaired brain function
- abrasions and lacerations (unless of a severity to be incapacitating)
- bruises (unless caused by direct impact of the enemy weapon and severe enough to require treatment by a medical officer)
- soft tissue injuries (for example, ligament, tendon, or muscle strains, sprains, and so forth)
- first degree burns

b. A bronze service star is authorized with the Vietnam Service Medal for each Vietnam campaign a member is credited with participating in. A silver service star is worn instead of five bronze service stars. Appendix B shows that during his service in Vietnam, participation credit was awarded for the following two campaigns:

- Vietnam Counteroffensive, Phase VII, 1 July 1970 – 30 June 1971
- Consolidation I, 1 July 1971 – 30 November 1971

//NOTHING FOLLOWS//