

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 May 2025

DOCKET NUMBER: AR20240009435

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of a third Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 dated 18 April 1969
- Special Order Number Unknown dated 28 October 1968

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 he is requesting that he be awarded the Purple Heart with 3 oak leaf clusters. He further states that while under fire, he sustained burns on both hands when a gun was shot out of his grasp. A machine gunner, having fired multiple rounds, handed him a weapon barrel-first, further injuring his hands. Unable to return to his unit for two or three weeks, he witnessed incredible bravery of M__ M__ who heroically dragged a fallen U.S. trooper back behind enemy lines. Tragically, that trooper was killed just one day after his child was born. An After-Action Review was conducted to corroborate this incident, which took place sometime between July and September of 1968.
3. A review of the SM's service record shows:
 - a. He was inducted into the Army of the United States on 9 June 1967. He was trained in and held military occupational specialty 11B, Light Weapons Infantryman.
 - b. His DA Form 20 (Enlisted Qualification Record) shows he served in Vietnam from 16 May 1968 to 10 November 1968. It also shows:

- item 38 (Record of Assignments): Co C, 1st Bn, 12th CAV, 1st CAV Div (AM), USARPAC
- Item 38 (Record of Assignment): MHC 249th Gen Hosp APO 96267 as a patient
- item 40 (Wounds):
 - 12 June 1968, FW right Arm
 - 21 June 1968, first and second degree burns to both hands
 - 22 October 1968, FW left elbow
- item 41 (Awards and Decorations): National Defense Service Medal, Purple Heart, Air Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with Device 1960, Combat Infantrymen's Badge, Purple Heart w/1st OLC, Sharpshooter Marksmanship Qualification Badge with Bar (M-60), Marksman Marksmanship Qualification Badge with Rifle Bar (M-16),

c. He was honorably released from active duty on 18 April 1969. His DD Form 214 shows he completed 1 year, 11 months, and 10 days of active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Air Medal
- Vietnam Service Medal
- Vietnam Campaign Medal w/60 device
- Combat Infantryman Badge
- Purple Heart w/one OLC
- Sharpshooter Marksmanship Qualification Badge with Bar (M-60)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)

4. A review of the SM's record confirms he is eligible for awards and campaign credits that are not recorded on his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

5. The SM's name includes three entries 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.

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. 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, available military records, the Board found the applicant's record is void of any medical documentation to support the applicant was his wounds were caused by hostile forces. The Board noted the applicant provided no medical documentation to support eligibility requirements for award of the Purple Heart with a 2OLC.
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. Based upon the statement from the applicant in describing the incident leading to his injury, the burns were not as a result of combat with an armed enemy.
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

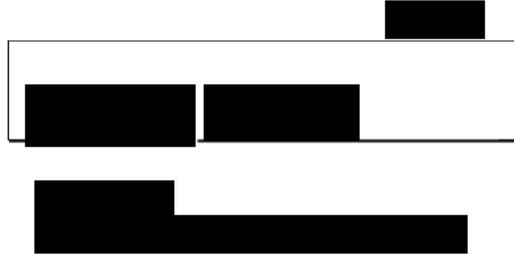
: : : GRANT PARTIAL RELIEF

: : : 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.



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):

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 5 August 1968. As a result, correct his DD Form 214 to show:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- two bronze service stars with his previously awarded Vietnam Service Medal

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.
 - a. A bronze service star is authorized to denote participation in each designated campaign.
 - b. 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//