

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 May 2025

DOCKET NUMBER: AR20240009489

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) 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).

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 was informed by the unit clerk that he was entitled to receive the Purple Heart along with the Bronze Star Medal he received. He has a scar on his right knee from crossing over barbwire while entering a village.
3. A review of the applicant's service record shows:
 - a. He was inducted into the Army of the United States on 5 May 1966.
 - b. He served in Vietnam from 5 November 1966 to 14 October 1967.
 - c. His DD Form 20 (Enlisted Qualification Record) does not reflect award of the Purple Heart and Item 40 (Wounds) does not include entries.
 - d. He was honorably released from active duty on 3 May 1968. His DD Form 214 shows he completed 1 year, 11 months, and 29 days active service. It also shows he was awarded or authorized:
 - National Defense Service Medal
 - Vietnam Service Medal with Bronze Service Star
 - Vietnam Campaign Medal
 - Combat Infantryman Badge

- Bronze Star Medal

4. The applicant's name is not listed 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.

5. 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.

6. A review of the applicant's record confirms he is eligible for awards that are not recorded on his DD Form 214. These awards will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

BOARD DISCUSSION:

1. 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. Based upon the injury described in the applicant's statement and the regulatory requirement to qualify for a Purple Heart, the injury must be a direct result of combat operations with an armed enemy, the Board concluded there was insufficient evidence of an error or injustice warranting adding the Purple Heart to the applicant's military record.

2. Prior to closing the case, however, in addition to the administrative notes below from the analyst of record, the board recommended making additional changes to the applicant's military record:

- Change the date inducted into service on the applicant's DD Form 214 to reflect 5 May 66 vice 5 May 68
- Based upon the efficiency ratings reflected on the applicant's 2-1, the Board recommended adding the Army Good Conduct Medal for service from 5 May 66 to 3 May 68

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 for the applicant's requested relief. However, prior to closing the case, in addition to the administrative notes below from the analyst of record, the board recommended making additional changes to the applicant's military record:

- Change the date inducted into service on the applicant's DD Form 214 to reflect 5 May 66 vice 5 May 68
- Based upon the efficiency ratings reflected on the applicant's 2-1, the Board recommended adding the Army Good Conduct Medal for service from 5 May 66 to 3 May 68

//SIGNED//

X

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):

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 3 May 1968. As a result, correct his DD Form 214 to show:

- Republic of Vietnam Gallantry Cross Unit Citation with Palm
- 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) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. 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.

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.

//NOTHING FOLLOWS//