

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 March 2025

DOCKET NUMBER: AR20240009594

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

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214

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 did not receive the Purple Heart (PH). The correction should be made to his record, and he should be issued the PH, due to the fact that he was injured in Vietnam. His injury was the reason he left Vietnam; he was shot in the back.
3. On 8 January 1968, the applicant enlisted in the Regular Army for 3 years. He held military occupational specialty 64B (Heavy Vehicle Driver).
4. The applicant's service record contains various documents/orders with zip codes and Army Post Office (APO) addresses showing that he served in Germany, none reference an address in Vietnam.
5. A Report of a Medical Examination shows the applicant underwent a medical examination on 23 November 1970, in Germany, at the 22nd Medical Detachment, APO 09035. This form shows his clinical evaluation lists no abnormalities and no injuries. He was determined qualified for separation.
6. His DA Form 20 (Enlisted Qualification Record) includes the following information or entries:

a. Item 31 (Foreign Service) shows he served in:

- USARPAC [United States Army Pacific], Korea, from May 1968 to June 1969
- USAREUR [United States Army Europe and Africa], Germany from 3 March 1970 to 2 January 1971

b. Item 40 (Wounds) contains no annotations.

c. Item 41 (Awards and Decorations) does not list the PH as an authorized award.

7. His DD Form 214 shows, on 21 December 1970, he was honorably released from active duty and transferred to the United States Army Reserve. He completed 2 years, 11 months, and 14 days of net active service this period, of which, 1 years, 9 months, and 21 days were credited as foreign service in USAREUR, however this service appears to include, [USARPAC-Korea] service also. The DD For 214 also shows in:

a. Item 11c (Reason and Authority), AR 635-200, separation program number 411, early separation from overseas.

b. Item 12 (Last Duty Assignment and Major Command), Headquarters, 1st Battalion, 81st Artillery USAREUR.

c. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) lists the:

- National Defense Service Medal
- Expert Marksmanship Qualification Badge, Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge, Rifle Bar (M-16)

8. The applicant's name is not listed on the RVN Casualty Roster for wound received in action and his dates of service and unit of assignment in the RVN are unknown.

9. A review by U.S. Army Human Resources Command (HRC) 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 Awards and Decorations Branch of HRC, failed to reveal orders awarding him the PH.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board determined to be awarded the Purple Heart, the regulatory guidance requires all elements of the award criteria to be met; there must be proof a wound was incurred as a result of enemy action, that the wound required treatment by medical personnel, and that the medical personnel made such treatment a matter of official record. The Board did not find documentary evidence that clearly or explicitly shows criteria for award of the Purple Heart. Based on the evidence, the Board determined the applicant does not meet the criteria for award of the Purple Heart.

2. Prior to the closing of the Board it was noted the applicant's DA Form 20 shows he had all excellent conduct and efficiency ratings, and his record is void of any documentation that would preclude him from award of the Army good Conduct Medal (First Award). Additionally, he served in Korea from May 1968 through June 1969 and was not awarded the Korea Defense Service Medal.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
XXX	XXX	XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214 for the period ending on 21 December 1970 to show:

- Army Good Conduct Medal (First Award) for the period 8 January 1968 through 21 December 1970
- Korea Defense Service Medal

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to award of the Purple Heart.

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.

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 provides for award of the Purple Heart for a wound sustained while in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify that 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. When contemplating an award of the Purple Heart, the key issue that commanders must take into consideration the degree to which the enemy caused the injury. The fact the

proposed recipient was participating in direct or indirect combat operations is a necessary prerequisite but is not sole justification for award.

//NOTHING FOLLOWS//