

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 March 2025

DOCKET NUMBER: AR20240009597

APPLICANT REQUESTS: correction of his DD Form 214, Armed Forces of the United States-Report of Transfer or Discharge by:

- adding the Purple Heart
- listing the 40th Artillery as his last unit of assignment

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, in effect, he was awarded the Purple Heart for wounds he sustained in the Republic of Vietnam (RVN). He further states his DD Form 214 incorrectly lists his last unit of assignment as the 1st Battalion, 4th Artillery.
3. His request to correct the last unit of assignment listed on his DD Form 214 will be addressed through administrative correction without Board action.
4. The applicant was inducted into the U.S. Army on 23 September 1966.
5. He completed foreign service in the RVN from 13 June 1967 to 26 June 1968, while assigned to the 1st Battalion, 40th Artillery.
6. His record is void of orders awarding him the Purple Heart and his name is not listed on the Vietnam Casualty Roster.

7. 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 Military Awards Branch of the U.S. Army Human Resources Command, failed to reveal Purple Heart orders pertaining to the applicant.

8. The record contains a memorandum, 3rd Marine Division (Reinforced), Fleet Marine Force, Fleet Post Office, San Francisco, 19 April 1968, Subject: Award of the Purple Heart Medal. This memorandum states that the applicant was awarded the Purple Heart for wounds received in combat action, while in support of the Forces of the RVN in their struggle against insurgent communist (Viet Cong) forces on 22 February 1968.

9. The applicant was released from active duty on 25 June 1968. His DD Form 214 does not list any awards for valor.

10. A DA Form 1577, Authorization for Issuance of Awards, 22 October 1968 is filed in the record. This form shows the Secretary of the Army directed the Purple Heart be engraved according to current regulations and forwarded to the applicant's address. This was an expedited request based on the applicant having been released from active duty in June 1968.

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. Based upon the following reasons, the Board concluded there was insufficient evidence of an error or injustice warranting awarding and adding the Purple Heart to the applicant's DD Form 214:

1. There are no wounds listed on the applicant's DD Form 20, and his name does not appear on the Vietnam Casualty Roster.
2. The record has a Marine Corps memorandum, dated 19 April 1968, awarding the applicant the Purple Heart; however, the memorandum is unsigned and the type font on the document is not consistent.

As a result of the above facts within the record, the Board concluded there was insufficient evidence of an error or injustice warranting adding the Purple Heart to the applicant's record.

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 note 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.

//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): These documents are sufficient evidence to correct the record without Board action; the applicant's records contain:

- Special Orders Number 69, 3rd Howitzer Battalion, 4 May 1967, awarded the applicant the Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M16)
- General Orders 2705, Headquarters, U.S. Army Vietnam, 5 June 1968, awarded the applicant the ARCOM for meritorious service for the period June 1967 to June 1968

- DA Form 20, lists his last unit of assignment as Headquarters and Headquarters Battery, 1st Battalion, 40th Artillery

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, Personnel-General-Military Awards, states
 - a. The Purple Heart is awarded to members of the Armed Forces of the United States who, while serving under the authority with any of the U.S. Armed Services, have been wounded, were killed, or who have died or may hereafter die of wounds received as a result of hostile enemy action. The wound, injury, or death must have been the result of hostile enemy action, the wound or injury must have required treatment, not merely examination, by a medical officer or a medical professional, provided a medical officer include a statement in the Servicemember's medical record that wounds would have required treatment by a medical officer if one had been available. Additionally, treatment of the wound will be documented in the Servicemember's medical and/or health record.
 - b. The award of all decorations, except for the Medal of Honor, will be announced on Permanent Orders by appropriate awards approval authority before recording information in the Soldier's Army Military Human Resource Record.
3. AR 15-185, Boards, Commissions, and Committees-ABCMR, 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.

//NOTHING FOLLOWS//