

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 August 2025

DOCKET NUMBER: AR20240010110

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.

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

- DD Form 149 (Application for Correction of Military Record)
- VA Form 21-6796 (Rating Decision)

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States Code (USC), section 1552 (b); however, the Army Board for Correction of Military Records 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 a Purple Heart to add to his DD Form 214. He was wounded while in Vietnam at Camp Bear Cat around August 1970 and his medical records confirm he received treatment by military medical personnel the day after the injury, he lost one half of his right index finger as verified by his medical records. His service treatment record (STR) did not become available to him until after he filed a claim with Veterans Affairs that contained evidence of treatment in Vietnam for the wound received due to a grenade.

3. The applicant provides VA Form 21-6796, dated 9 March 1971, which indicates he was approved for 20% disability. The applicant sustained small laceration of dorsum, right index finger August 1970. He was treated, but destructive cellulitis required amputation October 1970, at proximal interphalangeal joint.

4. A review of the applicant's service record shows:

a. Having had prior service in the Army Reserve, he was inducted into the Army of the United States on 17 September 1968.

b. He served in Vietnam from 12 September 1969 to 23 September 1970. His DA Form 20 (Enlisted Qualification Record) shows:

- item 35 (Record of Assignments):
 - 8 October 1969, Casual, Enroute to Vietnam
 - 16 December 1969, Company Clerk, 590th Maintenance Company
 - 16 January 1970 – Clerk, 229th S&S Company (DS)
 - 17 September 1970, Patient, Medical Holding Company (MHC), Camp Zama, Japan
 - 23 September 1970, Patient, Enroute to CONUS
 - 25 September 1970, Patient, Valley Forge General Hospital, Phoenixville, PA
- item 40 (Wounds): no entry
- item 41 (Awards and Decorations): National Defense Service Medal, Vietnam Service Medal, Overseas Service Bar (1), Republic of Vietnam Campaign Medal with Device 1960, Sharpshooter Marksmanship Qualification Badge with Rifle Bar, Expert Marksmanship Qualification Badge with Rifle Bar,

c. A Standard Form 88, (Record of Medical Examination), dated 14 December 1970, shows in item 35 – amputation of right index finger at the proximal interphalangeal (PIP) joint.

d. He was released from active duty on 23 December 1970, with an under honorable conditions (general) characterization of service. His DD Form 214 shows he completed 2 years, 2 months, and 13 days of net active service with 24 days of lost time. It also shows in:

- Block 11c (Reason and Authority) – Completion of Hospitalization
- Block 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): does not include award of the Purple Heart
- Block 30 (Remarks) – Vietnam Service 12 December 1969 – 23 September 1970

5. His name is not shown 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 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.

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 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 the applicant's injury was the result of combat with the enemy. Based on the evidence, the Board determined the applicant does not meet the criteria for award of the Purple Heart.


2. Prior to closing the discussion, the Board noted and concurred with the administrative note below to more accurately depict the military service of the applicant.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XX	XX	XX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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.



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:

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 23 December 1970. As a result, correct his DD Form 214 to show:

- Republic of Vietnam Gallantry Cross Unit Citation with Palm
- three 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:

a. 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 and is currently awarded pursuant to Executive Order 11016, 25 April 1962.

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. 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.

//NOT//NOTHING FOLLOWS//