

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 June 2025

DOCKET NUMBER: AR20240010226

APPLICANT REQUESTS: correction of his service record to reflect he was awarded the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending on 25 May 1969 which is void of award of the Purple Heart
- Department of Veterans Affairs (VA) Rating Decision dated 17 July 2024 which shows the following decisions for his claim:
 - Service-connected disability for Arteriosclerotic heart disease with automatic implantable cardioverter defibrillator and coronary artery bypass graft granted 100 percent
 - Service connected for scar; anterior trunk granted zero percent
 - Service connected for hypertension associated with herbicide exposure granted zero percent
 - Service connected for tinnitus granted for 10 percent
 - Service connected for bilateral hearing loss granted for zero percent
 - Basic eligibility to Dependent's Educational Assistance based on permanent and total disability status
 - Service connected for right foot fungus jungle rot denied
 - Decision on entitlement to compensation for shrapnel wound right arm residuals was deferred for examination and medical opinion

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 injured while in combat; he should be awarded the Purple Heart.

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

- On 14 June 1967, he was inducted into the Army of the United States with pre-existing medical condition of pulled tendons and cartilage in ankle
- DA Form 20 (Enlisted Qualification Record) shows in:
 - Item 31 (Foreign Service): service in the Republic of Vietnam during the period of 27 May 1968 through 26 May 1969
 - Item 38 (Record of Assignments):
 - On 5 June 1968, assigned as a team leader for C Company, 1st Battalion (BN), 16th Infantry Regiment, 1st Infantry Division (ID)
 - On 21 October 1968, assigned as a team leader for C Company, 5th BN, 60th Infantry Regiment, 9th ID
 - On 24 May 1969, enroute to the Continental United States
 - Item 40 (Wounds): blank
 - Item 41 (Awards and Decorations):
 - National Defense Service Medal
 - Vietnam Service Medal
 - Combat Infantryman Badge
 - Republic of Vietnam Campaign Medal with 1960 Device
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
 - Air Medal
 - Army Commendation Medal
 - Soldier's Medal
 - Bronze Star Medal
 - Army Good Conduct Medal
 - Expert Marksmanship Qualification Badge with Rifle Bar
- On 25 May 1969, he was honorably released from active duty and assigned to the U.S. Army Reserve Control Group (Annual Training), DD Form 214 shows in:
 - Item 12 (Last Duty Assignment and Major Command): C Company, 5th BN, 60th Infantry Regiment, 9th ID, U.S. Army Pacific Command
 - Item 22c (Foreign and/or Sea Service): 11-months and 28-days
 - Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):
 - National Defense Service Medal
 - Vietnam Service Medal

- Vietnam Campaign Medal
- Combat Infantryman Badge
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Army Commendation Medal
- Bronze Star Medal

4. A review of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), 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 any orders for award of a 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 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 and standard 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. However, during deliberation, the Board determined there was sufficient evidence, including his service from 14 June 1967 to 25 May 1969, a period of 1 year, 11 months, and 12 days. Based on this, the Board granted partial relief to correct the applicant's record to reflect award of the Army Good Conduct Medal (First Award).

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
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 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 25 May 1969 by:

- awarding him the Army Good Conduct Medal (First Award) for the qualifying period 14 June 1967 to 25 May 1969
- adding the Army Good Conduct Medal (First Award) to his DD Form 214

2. The Board further determined that 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 awarding 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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 for the period of service June 14, 1967 through May 25, 1969, by amending/adding:

- Four bronze service stars to the previously awarded Vietnam Service Medal
- Air Medal
- Soldier's Medal
- Expert Marksmanship Qualification Badge with Rifle Bar

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214 period of service June 14, 1967 through May 25, 1969
- DA Form 20 (Enlisted Qualification Record)
- General Orders Number 1783, February 15, 1969, Headquarters (HQs), 9th Infantry Division (ID), Air Medal
- General Orders Number 4749, April 20, 1969, HQs, 9th ID, Soldier's Medal
- General Orders Number 5521, May 13, 1969, HQs, 9th ID, Army Good Conduct Medal
- Special Orders Number 206, U. S. Army Training Center, Fort Lewis, WA, Expert Marksmanship Qualification Badge with Rifle Bar
- Army Regulation 600-8-22 (Military Awards)

3. Please correct the applicant's DD Form 214 by amending/adding the items shown in paragraph 1 above. Provide the applicant a copy of the corrections. Please ensure that the corrections are recorded in the applicant's official military personnel record.

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 Department of the Army (DA) policy, criteria, and procedures for individual and unit military awards and foreign decorations and badges. Paragraph 2-7 (Purple Heart), The Purple Heart is awarded to any member of an Armed Force of the United States has been wounded, killed, or who

has died or may hereafter die of wounds received under any of the following circumstances:

- 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 United States are or have been engaged
- While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party
- As the result of an act of any such enemy or opposing armed force
- As the result of an act of any hostile foreign force
- While being taken captive or while being held as a POW

To qualify for award of the Purple Heart, the wound must have been of such severity that it required treatment, not merely examination, by a medical officer. A wound is defined as an injury to any part of the body from an outside force or agent. A physical lesion is not required.

- Treatment of the wound will be documented in the member's medical or health record
- Award may be made for a wound treated by a medical professional other than a medical officer, provided a medical officer includes a statement in the member's medical record that the severity of the wound was such that it would have required treatment by a medical officer if one had been available to provide treatment
- For the purposes of this award, a medical professional is a civilian physician or a physician extender; physician extenders include nurse practitioners, physician assistants, and other medical professionals qualified to provide independent treatment, Medics (such as combat medics MOS 68W.91A) are not physician extenders
- A medical officer is a physician with officer rank

Some examples of injuries that do not justify eligibility for the PH are as follows:

- Frostbite, excluding severe frostbite requiring hospitalization from 7 December 1941 to 22 August 1951
- Trench foot or immersion foot
- Heat stroke
- Food poisoning not caused by enemy agents
- Exposure to chemical, biological, or nuclear agents not directly released by the enemy
- Battle fatigue, neuropsychosis, and post-traumatic stress disorders
- Disease not directly caused by enemy agents

- Accidents, to include explosive, aircraft, vehicular, and other accidental wounding, not related to or caused by enemy action
- Self-inflicted wounds, except when in the heat of battle and not involving gross negligence
- First-degree burns
- Airborne (for example, parachute or jump) injuries not caused by enemy action
- Hearing loss and tinnitus (for example, ringing in the ears)
- mTBI that does not result in loss of consciousness or restriction from full duty for a period greater than 48-hours due to persistent signs, symptoms, or physical finding of impaired brain function
- Abrasions or lacerations, unless of a severity requiring treatment by a medical officer
- Bruises or contusions, unless caused by direct impact of the enemy weapon and severe enough to require treatment by a medical officer
- Soft tissue injuries (for example, ligament, tendon or muscle strains, sprains, and so forth)

//NOTHING FOLLOWS//