

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 April 2025

DOCKET NUMBER: AR20240010742

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
- restoration of rank from Specialist (E-5) to Sergeant First Class (E-7)

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 9 June 1969
- Senate of Pennsylvania, Congratulation Certificate Prisoner of War (POW)
- United States Armed Forces, 1st Field Force Vietnam, certificate of recognition
- News Article, Columbia County Recognition of service to country, undated

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 held and tortured for 16 days as a POW. He believes he should be awarded the Purple Heart. Additionally, his rank should be corrected to show SFC/E-7, as written on his certificate.
3. The applicant provides:
 - letter of recognition from the Senate of Pennsylvania for his military service from 9 June 1966 to 9 June 1969 which mentions him being a POW
 - United States Armed Forces, 1st Field Force Vietnam, certificate shows his rank/grade as E-7
 - Undated Columbia County article states he was a POW in Vietnam for 16 days.
4. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 10 June 1966

b. His DA Form 20 (Enlisted Qualification Record) shows in:

- Item 31 (Foreign Service), Vietnam from 7 January 1967 to 6 January 1968
- Item 33 (Appointments and Reduction) SP5/E-5, 25 July 1968
- Item 38 (Record of Assignment), assigned to the Service Battery, 7th Battalion 13th.
- item 40 (Wounds) – no entries listed

c. Special Orders 101 dated 25 July 1968 shows the applicant was promoted to Specialist (E5) effective 25 July 1968.

d. He was honorably released from active duty on 9 June 1969 and transferred to the U.S. Army Reserve. His DD Form 214 shows he completed 3 years of active service.” It also shows he was awarded or authorized:

- Vietnam Service Medal
- Vietnam Campaign Medal
- Army Good Conduct Medal
- Letter of Commendation
- Marksman Marksmanship Qualification Rifle Badge (M-16)

5. Nothing in several typical sources shows the applicant was a POW, injured or wounded as a result of hostile action or that he was awarded the Purple Heart:

(1) His name is not shown on the Vietnam casualty listing. This is a listing of Vietnam era casualties commonly used to verify entitlement to award of the Purple Heart.

(2) His available personnel records does not contain an official Army message or a Western Union telegram notifying his next of kin of an injury or wound sustained in action. This was generally the proper notification procedure for injuries at the time.

(3) Item 40 (Wounds) of his DA Form 20 (Enlisted Qualification Record) does not record any wounds sustained as a result of hostile action.

(4) A 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 U.S. Army Human Resources Command, failed to reveal any orders for the Purple Heart pertaining to the applicant.

(5) His records do not contain contemporaneous medical records showing he was wounded as a result of hostile action or treatment for such injury. His Report of Medical Examination are void from his record.

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 available documentation, the Board made the following findings and recommendations related to the requested relief:

- Purple Heart: DENY, based upon the lack of evidence showing the applicant was injured as a result of combat operations during his period of military service
- Rank correction: DENY, although the applicant provides a certificate showing his grade as E7, all official military records reflect he held the rank of SP5 at the time of separation.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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 noted the administrative notes below from the analyst of record and recommend those changes be completed to more accurately reflect the military service of the applicant.

//SIGNED//

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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 20 June 1969. As a result, correct his DD Form 214 to show:

- Meritorious Unit Commendation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- two bronze service stars to his previously issued 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 635-8 (Separation Processing and Documents), currently in effect, prescribes that separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It states the separation document is a synopsis of the Soldier's most recent period of continuous active duty and provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. Paragraph 5-6 stated for Block 4: Grade, Rate, or Rank, verify that active-duty grade or rank and pay grade are accurate at time of separation.

3. U.S. Army Vietnam (USARV) Regulation 672-5-1 (Decorations and Awards), in effect at the time, prescribed policies, responsibilities, and criteria for awards to insure prompt and proper recognition of individuals. The regulation states, in part:

a. The Purple Heart may be awarded to U.S. personnel who are wounded or killed in action as a direct result of enemy action. A wound for which the award is made must have required treatment by a medical officer and records of medical treatment for wounds or injuries received must have been made a matter of official record.

b. Authority to award the Purple Heart was delegated to hospital commanders. Further, it directed that all personnel treated and released within 24 hours would be awarded the Purple Heart by the organization to which the individual was assigned. Personnel requiring hospitalization more than 24 hours or evacuation from Vietnam would be awarded the Purple Heart directly by the hospital commander rendering treatment.

4. Army Regulation 600-200 (Enlisted Personnel Management System), chapter 9, of the version in effect at the time, stated a brief description of wounds or injuries (including injury from gas) requiring medical treatment received through hostile or enemy action, including those requiring hospitalization would be entered in item 40 (wounds) of the DA Form 20. This regulation further stated that the date the wound or injury occurred would also be placed in item 40.

5. Army Regulation 600-8-22 (Military Awards), currently in effect, prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. It provides that 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. Examples of enemy-related injuries which clearly justify award of the Purple Heart are as follows:

- Injury caused by enemy bullet, shrapnel, or other projectile created by enemy action.
- Injury caused by enemy-placed trap or mine
- Injury caused by enemy-released chemical, biological, or nuclear agent.
- Injury caused by vehicle or aircraft accident resulting from enemy fire.
- Concussion injuries caused, as a result of enemy-generated explosions
- Mild traumatic brain injury or concussion severe enough to cause either loss of consciousness or restriction from full duty due to persistent signs, symptoms, or clinical finding, or impaired brain function for a period greater than 48 hours from the time of the concussive incident

//NOTHING FOLLOWS//