

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 April 2025

DOCKET NUMBER: AR20240010966

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States report of Transfer or Discharge) for the period ending 1 April 1971, to show the following awards:

- Purple Heart
- Distinguished Flying Cross
- Air Medals and any additional awards, not previously listed

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

- DD Form 149 (Application for Correction of Military Record)
- Personal Statement
- Air Medal Citation
- General Orders 4738 dated 19 April 1969
- DA Form 759 AND 759-1 (Individual Flight Record and Flight Crew Certificate)
- DD Form 214, period ending 1 April 1971

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 the medals have been earned. Awards and decoration were of little consequence when he returned from Vietnam, but public opinion and attitude towards Veterans is much different today. He would greatly appreciate having his record corrected.
3. The applicant provides:
 - a. A 5-page personal statement which has been provided to the Board for review.

b. The citation by direction of the President issuing the applicant the Air Medal 11th through 17th Oak Leaf Cluster (OLC) for meritorious achievement while participating in aerial flight in support of combat ground forces in the Republic of Vietnam during the periods of 4 March 1969 to 14 May 1969.

c. General Orders 4738 dated 19 April 1969 shows award of the Air Medal with "V" Device (11th OLC).

d. SAAVNC Form 759 and DA Form 759-1 which shows his flight hours and total hours flown by month from July-August 1969 while serving in a U.S. Army Reserve component.

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

a. The applicant enlisted into the Regular Army on 21 August 1967 for a 2-year service term and was selected to attend the Warrant Officer Flight Training Program.

b. On 22 September 1968 he was honorably discharged from active duty to accept warrant officer appointment. His DD Form 214 shows he completed 1 year and 1 month active service and no lost time.

c. On 23 September 1968, he was appointed as a Reserve warrant officer. He entered active duty on the same day.

d. His DA Form 66 (Officer Qualification Record) shows:

- item 9 (Military Occupational Specialty) shows 62B (Helicopter Pilot) and 100B (Rotary Wing Aviator Pilot)
- item 17 (Foreign Service) in Vietnam from 14 October 1968 to 23 August 1969
- Item 18 (Record of Assignment) Company A, 9th Aviation Battalion, 9th Infantry Division

e. General Orders 4738 dated 19 April 1996 shows the applicant was awarded the Air Medal with "V" Device (11th OLC's).

f. He was honorably released from active duty on 1 April 1971 and transferred to the U.S. Army Reserve. His DD Form 214 shows he completed 2 years, 6 months and 9 days of active service." It also shows he was awarded or authorized:

- Army Aviator Badge
- Vietnam Service Medal
- Vietnam Campaign Medal
- Army Good Conduct Medal

- Air Medal with "V" Device and 17 OLC's
- Bronze Star Medal with "V" and 2 OLC's
- Army Commendation Medal with 3 OLC's one awarded for Valor
- Vietnam Cross of Gallantry with Palm
- Civil Actions Honors Medal
- two Overseas Service Bars

5. Nothing in several typical sources show he was 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 roster. This is a listing of Vietnam era casualties commonly used to verify entitlement to award of the Purple Heart.

(2) His available personnel records do 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) 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.

(4) 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 dated 1 December 1970 shows he was in good health and was fit for separation.

6. A review of the applicant's record confirms he is eligible for an award and campaign credits that are not recorded on his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board

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 available documentation failing to show the applicant sustained a qualifying injury as outlined in AR 600-8-22 during his period of military service.
- Distinguished Flying Cross – DENY, based upon the available documentation failing to show the applicant was submitted and awarded the DFC during his period of military service.
- Air Medals and any additional awards – PARTIAL GRANT. Based upon the Air Medals previously awarded to the applicant being accurately annotated on his DD Form 214, the Board concluded there that portion of the request should be denied. However, based upon the administrative notes below from the analyst of record, the Board concluded there was awards not previously annotated on the applicant's DD Form 214 which should be added.

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 Army records of the individual concerned be corrected by amending the applicant's DD Form 214 by adding the awards and decorations annotated below in the administrative notes.
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 adding any other awards or decorations not reflected.

//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):

A review of the applicant's records show he was awarded or authorized the following awards not listed on his DD Form 214:

- four bronze service stars to his previously issued Vietnam Service Medal
- Meritorious Unit Commendation
- Sharpshooter Marksmanship Qualification (38 Caliber) Pistol
- Expert Marksmanship Qualification (M-16) Rifle Bar
- Marksman Marksmanship Qualification (45 Caliber) Pistol

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 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 justifies 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.

3. U. S. Army Vietnam Regulation 672-1 (Decorations and Awards) governed the military awards program in Vietnam during the Vietnam War.

a. The Distinguished Flying Cross, established by act of Congress 2 July 1926, is awarded to any member of the Armed Forces of the United States or of a friendly foreign nation who, while serving in any capacity with the Army of the United States, shall have distinguished himself by heroism or extraordinary achievement while participating in aerial flight.

c. The Air Medal. established by Executive Order 9158 (amended by Executive Order 9242-A, 11 September 1942) CWD Bul49, 1942), is awarded to any person who, while serving in any capacity in or with the Army of the United States, shall have distinguished himself by meritorious achievement while participating in aerial flight.

//NOTHING FOLLOWS//