

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 June 2025

DOCKET NUMBER: AR20240011157

APPLICANT REQUESTS: the Service Member (SM) be awarded the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- War Department Adjutant's General Office (WD AGO) Form 53-55 (Enlisted Record and Report of Separation Honorable Discharge)
- WD AGO Form 100 (Army of the United States Separation Qualification Record) shows in:
 - Item 6 (Date of Entry Into Active Service): 26 December 1942
 - Item 7 (Date of Separation): 18 February 1946
 - Item 9 (Place of Separation): Separation Center, Fort Sheridan, IL
 - Item 13 (Title – Description – Related Civilian Occupation):
 - Served with the 80th Infantry Division in France
 - Drove all types of vehicles (over 2 and one half ton capacity) over all types of roads and terrains
 - Hauled personnel, supplies and equipment; day and night
 - Made minor road repairs
- Army of the United States Honorable Discharge certificate shows the SM was honorably discharged on 18 February 1946 at the Separation Center, Fort Sheridan, IL
- State of Michigan Department of Community Health Certificate of Death shows the SM was deceased on 25 January 2009
- Newspaper article stated the SM was seriously wounded on his foot while in France and the injury was much improved
- State of Michigan Certified Copy of Record of Birth shows D-B- was born to the SM in Hastings, MI

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 SM was wounded while in France in or around August 1944
- Purple Heart was not reflected on his WD AGO 53-55
- Limited documentation indicates the SM should have been awarded the Purple Heart
- Discovery of the error was after the death of the SM in 2009 by family members who were inquiring about his military service
- Family is interested in honoring the SM through a display of his medals and decorations he earned and want it to be accurate

3. The SM's military records are not available for review in this case. The National Personnel Records Center - Military Personnel Records was unable to locate or the records had been checked out by another agency. However, the applicant provided sufficient records to conduct a fair and impartial review of this case. The WD AGO 53-55 shows the SM:

- On 26 December 1942, the SM was inducted into the Army of the United States
- Military occupation was a Heavy Truck Driver
- The SM served in Northern France and the Rhineland
- Item 34 (Wounds Received in Action) "None"
- The SM was awarded:
 - Victory Medal
 - American Theater Ribbon
 - European African Middle Eastern Theater Ribbon with two Bronze Battle Stars
 - One Service Stripe
 - Army Good Conduct Medal
 - Marksman Marksmanship Qualification Badge with Rifle Bar
- Departed for the European Theater of Occupation (ETO) on 11 August 1944
- Arrived in the ETO on 22 August 1944
- Departed for the United States of American (USA) on 20 January 1945

- Arrived in the USA on 30 January 1945
- Foreign Service for a period of 4-months and 20-days
- 6-days lost time under the Articles of War 107

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 SMs record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. The SMs military records confirm service in Northern France and the Rhineland from on or about 22 August 1944 to on or about 20 January 1945. The SMs WD AGO 53-55 does not contain any entries indicating wounds sustained as a result of enemy action. The applicant's submissions were reviewed in conjunction with the available official records. The governing regulation requires substantiating evidence that a Soldier was wounded or injured as a direct result of enemy action, and that the wound required treatment by medical personnel, with such treatment documented in official records.
2. The SMs record is void of documentation meeting these criteria. No official orders or entries confirm award of the Purple Heart. The absence of entries on the WD AGO 53-55 and the lack of substantiating documentation weigh heavily against the applicant's claim. Without medical records or official orders verifying wounds sustained due to enemy action, the regulatory requirements for award of the Purple Heart are not met. The SMs service in the European Theater is acknowledged; however, eligibility for the Purple Heart requires specific evidence that is not present in the record.
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:

<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:

Except for the correction addressed in Administrative Note(s) below, the Board found 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(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his War Department Adjutant's General Office (WD AGO) Form 53-55 (Enlisted Record and Report of Separation Honorable Discharge) for the period of service December 26, 1942, through February 18, 1946, by amending: Items 33 (Decorations and Citations): Army of Occupation Medal.
2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.
 - WD AGO 53-55 period of service December 26, 1942 through February 18, 1946
 - WD AGO 100 (Army of the United States Separation Qualification Record)
 - Army Regulation (AR) 600-8-22 (Military Awards)
3. Please correct the applicant's DD Form 214 by amending 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), while clearly an individual decoration, the Purple Heart differs from all other decorations in that an individual is not recommended for the decoration; rather, they are entitled to it upon meeting specific criteria. The Purple Heart is awarded to any member of an Armed Force of the United States who 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 Prisoner of War

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

//NOTHING FOLLOWS//