

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 June 2025

DOCKET NUMBER: AR20240011315

APPLICANT REQUESTS:

- in effect, correction of his DD Form 214 (Report of Separation from the Armed Forces of the U.S.) to show his Purple Heart (2nd Award)
- a personal appearance before the board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter

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:

a. He was injured while engaged in combat operations, near Inchon, Korea, in 1951. He received shrapnel wounds to his left shoulder, legs and lower body. He was treated at a field hospital near Inchon, Korea. The severity of the injuries required him to wear a cast on his left foot. Due to the chaotic nature of the conflict and loss of records, his injuries were not documented in his official military records.

b. He is 95 years old and served in the Army and the Air Force. While in the Army he was awarded two Purple Hearts and a Bronze Star. Receiving two Purple Hearts signifies that he was wounded in action, in two separate occasions. This recognition highlights the extreme sacrifices he made, and the bravery exhibited during combat.

c. He is trying to recall the name of the gentlemen that were present. The lack of documentation for his injuries has left him feeling overlooked and undervalued. He has been emotionally distressed knowing that his suffering and bravery has not been recognized.

d. The following court cases support the consideration of his application:

- O'Hare verses Derwinski 1 Vet App 365 (1991)
- Combee verses brown, 34 F.3d 1039 (Fed Cir 1994)
- Gilbert verses Derwinski, 1 Vet App 49 (1990)
- Jandreau verses Nicholson, 492 F.3d 1372 (Fed Cir 2007)

3. A review of the applicant's service records show:

a. He enlisted in the Regular Army on 29 October 1950.

b. The applicant was discharged from active duty on 11 August 1951 due to Hardship, in accordance with Army Regulation 615-362 (Enlisted Men). His DD Form 214 shows he completed 4 years, 6 months, and 17 days of total active service. His DD Form 214 also shows:

- he completed 7 months and 13 days of foreign service
- he was awarded the Korean Service Medal with one bronze star
- item 28 (Most Significant Duty Assignment) shows the applicant was assigned to 712th Transportation Railway Operations Battalion, Korea
- item 29 (Wounds Received as a Result of Action with Enemy Forces) is annotated to show "NA"
- item 32 (Remarks) shows he has no time lost under section 6a

c. The U.S. Army Surgeon General Office Hospitalization File Listing 1950-1953 (Korea) shows in June 1951 a diagnostic code 6051.

4. There are no Special Orders in his service record that show he was awarded the Purple Heart.

5. 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:

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 and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined there is no medical record showing the applicant received wounds caused by enemy forces that required treatment by medical personnel. Per the regulatory guidance on awarding the Purple Heart, the applicant must provide or have in his service records substantiating evidence to verify that he was injured, the wound was the result of hostile action, the wound must have required treatment by medical personnel, and the medical treatment must have been made a matter of official record. Based on the insufficient evidence found in the applicant's service records the Board denied relief.
2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction be completed to more accurately depict the military service of the applicant.
3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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):

Sufficient evidence is contained in the applicant's record for an administrative correction of his DD Form 214 without Board action. His DD Form 214 will be administratively corrected to show award of the

- Republic of Korea – Korean War Service Medal,
- National Defense Service Medal,
- United Nations 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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the

application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 635-8 (Separation Processing and Documents) currently in effect prescribes policy and procedural guidance relating to transition management. The DD Form 214 provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. For block 13, list all federally recognized awards.

4. Army Regulation 600-8-22 (Military Awards) states:

a. During World War II and the Korean War the Purple Heart was not awarded to Soldiers who had been injured while in captivity or while being taken captive. Those injuries were considered to be the result of war crimes and not the result of a legal action of war. War Department policy required that wounds must have been received in action against the enemy or, in other words, incurred in actual combat. Executive Order 11016, dated 25 April 1962, provided more latitude with respect to award of the Purple Heart to prisoners of war, as well as the authority to award the decoration to wounded Soldiers even in the absence of a formal declaration of war. The issue as to whether this change in policy would be implemented retroactively to prisoners of war from World War I, World War II, and the Korean War was considered several times. Initially it was decided that the change in policy would not be retroactively implemented. It was concluded it would be inappropriate for the Department of Defense to retroactively change the standards and, in effect, countermand the decisions of the past leadership. However, as part of the National Defense Authorization Act (NDAA) of 1996, Congress authorized award of the Purple Heart to any former prisoner of war who was wounded before 25 April 1962 while held as a prisoner of war, or while being taken captive, in the same manner as a former prisoner of war who was wounded on or after that date.

b. Korean War Service Medal It is awarded to Servicemembers of the U.S. Armed Forces who served in Korea and adjacent waters between 25 June 1950 and 27 July 1953. The USAF is the Executive Agency for KWSM. Therefore, requests for award of the medal should be forwarded to the following address: Headquarters, Air Force Personnel Center AFPC/DPSIDR, 550 C Street West, Randolph Air Force Base, TX 78150-4717. The Air Force Personnel Center Web site address is <http://www.afpc.randolph.af.mil/awards/>.

c. National Defense Service Medal is awarded for honorable active service for any period between 27 July 1950 and 27 July 1954, 1 January 1961 and 14 August 1974, 2 August 1990 and 30 November 1995, and 11 September 2001 and a date to be determined. Second and subsequent awards of the National Defense Service Medal are denoted by a bronze service star affixed to the National Defense Service Medal.

d. United Nations Service Medal is awarded to members of the Armed Forces of the United States dispatched to Korea or adjacent areas on behalf of the United Nations during the period between 27 June 1950 and 27 July 1954. Personnel awarded the Korean Service Medal automatically establish eligibility for the United Nations Service Medal.

5. Army Regulation 600-65 (Service Medals), in effect at the time, stated the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. A Soldier's conduct and efficiency ratings, including those pertinent to attendance at service schools, must have all been recorded as "excellent" or higher, except that ratings of "Unknown" for portions of the period under consideration, and service school efficiency (emphasis in the original) ratings of less than "excellent" entered prior to 3 March 1946, would not be disqualifying. There must have been no convictions by court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

6. Army Regulation 15-185 (Army Board for Correction of Military Records), paragraph 2-11, shows applicant's do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//