

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 June 2025

DOCKET NUMBER: AR20240011628

APPLICANT REQUESTS: correction of his record to show 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 7 January 1971
- Self-authored statement wherein the applicant states in part:
 - On 31 January 1970, his platoon started taking mortar fire inside of their perimeter
 - He was sleeping in the command post because at the time he was the radio transmitter operator
 - The first mortar round hit very near his position and his first memory was he had been hit by shrapnel
- R- E- Statement that states in part, after the battle on 31 January 1970 the applicant realized he had some injuries and some hearing problems
- G-T Statement that describes the battle that occurred on 31 January 1970; it is void of mention the applicant suffered an injury at the time
- G- B- statement that states in part, the applicant was hit by a piece of shrapnel in his shoulder
- Official Military Personnel File
- SF 89 (Report of Medical History) dated 15 December 1970, which was completed due to the applicant's expiration term of service and is void of an entry for a shrapnel wound

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 on 31 January 1970 he sustained qualifying injuries (shrapnel wound).

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

- On 8 January 1969, the applicant was inducted into the Army of the United States in military occupational specialty 11B (Light Weapons Infantryman)
- 9 June 1969 to 8 June 1970, the applicant served in Vietnam
- DA Form 20 (Enlisted Qualification Record) shows:
 - On or about 9 June 1969 he was assigned to D Company, 4th Battalion, 21st Infantry, 11th Infantry Brigade as a rifleman
 - Item 40 (Wounds) is void of an entry
 - Item 41 (Awards and Decorations) is void of award of the Purple Heart
- On 7 January 1971, the applicant was honorably released from active duty; DD Form 214; item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) is void of an entry for the Purple Heart

4. A review of the Awards and Decorations Computer Assisted Retrieval System maintained by the U.S. Army Human Resources Command, which is an index of general orders issued during the Vietnam era between 1965 and 1973, failed to reveal any orders for the Purple Heart pertaining to him. Likewise, his name is not listed on the Vietnam Casualty report.

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 information reflected on the applicant's DA Form 20 failing to show qualifying injuries in block 40 and the lack of medical documentation showing the applicant was injured as a result of combat with an armed enemy, the Board concluded there was insufficient evidence of an error or injustice warranting adding the Purple Heart to the applicant's military record.

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:

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.

//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.

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) states the Purple Heart is awarded for a wound sustained while in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify that 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.
 - a. Examples of enemy-related injuries which clearly justify the Purple Heart:

- 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

b. Examples of injuries or wounds which clearly do not justify the Purple Heart:

- Trench foot or immersion foot, heat stroke, battle fatigue, first degree burns, and food poisoning not caused by enemy agents
- Chemical, biological, or nuclear agents not released by the enemy
- 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
- Post-Traumatic Stress Disorders
- Airborne (for example, parachute/jump) injuries not caused by enemy action
- Hearing loss and tinnitus (for example: ringing in the ears)
- Abrasions and lacerations (unless of a severity to be incapacitating)
- Bruises (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//