

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 May 2025

DOCKET NUMBER: AR20240011651

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the following:

- Purple Heart
- Vietnam Service Medal
- National Defense Service Medal

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

- DD Form 149 (Application for Correction of Military Record)
- Standard Form 502 (Clinical Record), 7 April 1971 – Fragment Wound
- Special Orders Number 323, 19 November 1971
- DD Form 214

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 wounded in Vietnam. There is shrapnel in his back, as evidenced in the medical record he provided.
3. A review of the applicant's service records show:
 - a. He was inducted in the Army of the United States on 7 April 1970.
 - b. His DA Form 20 (Enlisted Qualification Record) shows in:
 - (1) Item 31 (Foreign Service) – service in Vietnam from 13 January 1971 to 17 February 1972; he was assigned to Troop A, 3rd Squadron, 5th Cavalry, and 9th Infantry Division, Vietnam from 27 January 1971 to 13 November 1971.

(2) item 40 (Wounds) – “NONE”

(3) item 41 (Awards, Decorations and Campaigns) – National Defense Service Medal, Gunner Second Class Qualification Badge with M-60, Vietnam Service Medal, Combat Infantryman Badge, and the Sharpshooter Marksmanship Qualification Badge with Rifle Bar.

(4) item 44 (Time Lost) – 11 September 1971 through 9 October 1971 – pretrial confinement, 5 November 1971 through 12 November 1971 – confinement, and 25 December 1971 – absent without leave (AWOL)

c. Special Orders Number 145, shows the applicant was awarded the Gunner Second Class Qualification Badge, effective 1 July 1970.

d. Special Orders Number 119 shows the applicant was awarded the Combat Infantryman Badge, effective 2 April 1971.

e. On 11 October 1971, he was convicted by a special court-martial of one specification of failure to obey a lawful order by a superior commissioned officer to report to ambush patrol in the Republic of Vietnam on or about 2 September 1971. His sentence included confinement for 40 days and reduction to the grade of private (PVT), E-1.

f. Special Court-Martial Order (SCMO) Number 154, dated 14 November 1971, shows the sentence was approved and ordered executed.

g. He was honorably released from active duty on 19 November 1971. His DD Form 214 shows he completed 1 year, 7 months and 6 days of active service, with 7 days of lost time. It also shows he was awarded or authorized the National Defense Service Medal. Item 22c (Foreign and/or Sea Service) shows U.S. Army Pacific (USARPAC) with acronym “NVAL,” and no time documented.

4. The service record is void of orders showing he was awarded the Purple Heart.

5. The applicant's name is not shown on the Department of the Army Office of the Adjutant General Casualty Division Casualty Reference Name Listing for the period 1 January 1961 through 30 June 1973, a battle and non-battle listing of Soldiers who were killed, wounded, sick, captured, or missing during their service in Vietnam.

6. 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 the applicant.

7. A review of the applicant's record confirms he is eligible for awards 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 partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the National Defense Service Medal is already annotated on his DD Form 214. The Board note the applicant's Combat Infantryman Badge, Gunner Second Class Qualification Badge with M-60 and Sharpshooter Marksmanship Qualification Badge with Rifle Bar were omitted from his DD Form 214 and correction is warranted.

2. Additionally, the Board reviewed the applicant's personnel records, including the DA Form 20. While the applicant's service in Vietnam is confirmed, the DA Form 20 does not indicate that he was wounded or otherwise injured as a direct result of hostile action. No casualty reports, or official orders substantiating award of the Purple Heart are present in the record. The governing regulation requires clear evidence that wounds were incurred as a result of enemy contact and that such injuries were treated by medical personnel and recorded in official documentation. Therefore, the Board denied relief.

3. 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. Additionally, the Board noted the applicant's DA Form 20 shows he had all excellent conduct and efficiency ratings, and he was not awarded the Army Good Conduct Medal (First Award). The Board acknowledged his DA Form 20B; however, one incident of non-judicial punishment does not preclude award of the Army Good Conduct Medal in accordance with the governing regulation.

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. In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 the Army records of the individual concerned be corrected by amending his DD Form 214 for the period ending, 19 November 1971, to show award of the:

- Gunner Second Class Qualification Badge with M-60•
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar•
- Combat Infantryman Badge
- Army Good Conduct Medal (First Award) for the period 7 April 1970 through 19 November 1971

2. The Board further determined that 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 awarding the applicant the Purple Heart.

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):

A review of the applicant's records show he was awarded or authorized the following awards not reflected on his DD Form 214 for the service period ending 19 November 1971. As a result, amend his DD Form 214 to show:

- Vietnam Service Medal with two bronze service stars
- Republic of Vietnam Campaign Medal with Device (1960)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Item 30 (Remarks): "Service in Vietnam from 13 January 1971 to 13 November 1971"

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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. 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. The Purple Heart differs from all other decorations in that an individual is not "recommended" for the decoration; rather, he or she is entitled to it upon meeting specific criteria. A Purple Heart is authorized for the first wound suffered under conditions indicated above; an oak leaf cluster is awarded to be worn on the medal or ribbon for each subsequent award. Not more than one award will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent.

4. U.S. Army Vietnam (USARV) Regulation 672-5-1 (Decorations and Awards), prescribed policies, responsibilities, and criteria for awards in order to insure prompt and proper recognition of individuals. The regulation stated:

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.

b. 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.

c. 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 in excess of 24 hours or evacuation from Vietnam would be awarded the Purple Heart directly by the hospital commander rendering treatment.

d. The Vietnam Service Medal was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which it participated in combat or was under orders in the combat zone and served at a normal post of duty. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign.

e. The Republic of Vietnam Campaign Medal with Device (1960) was awarded by the Government of Vietnam to all members of the Armed Forces of the United States for qualifying service in Vietnam during the period 1 March 1961 through 28 March 1973. Qualifying service included assignment in Vietnam for 6 months or more. Qualifying service outside the geographical limits of the Republic of Vietnam required the individual to provide direct combat support to the Republic of Vietnam and Armed Forces. Also eligible for this award are individuals who qualified for award of the Vietnam Service Medal or the Armed Forces Expeditionary Medal and served for less than six months of service but:

- were wounded as a result of hostile action
- were captured by hostile forces but later escaped or were rescued or released
- were killed in action or otherwise in line of duty

5. Department of the Army Pamphlet 672-3 (Unit Citations and Campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict. Department of the Army General Order (DAGO) Number 42, dated 1972, awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Troop A, 3rd Squadron, 5th Cavalry, and 9th Infantry Division, Vietnam from 8 February to 30 April 1971.

6. Army Regulation 635-5 (Separation Documents) prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for the preparation of the DD Form 214 and states that the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. The DD Form 214 provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

- item 24, List all federally recognized awards and decorations for all periods of service
- item 30, for active-duty Soldiers deployed with their unit during their continuous period of active service, enter "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive date)"

//NOTHING FOLLOWS//