

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 June 2025

DOCKET NUMBER: AR20240011792

APPLICANT REQUESTS:

- Correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Purple Heart (2nd Award)
- Personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Witness statement dated 12 December 2023 endorsed by [REDACTED] that states he was an eyewitness to two incidents involving enemy action while in Vietnam
- DD Form 214, effective 8 February 1972 that is void of the award of the Purple Heart

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 that he was told that he was recommended for two Purple Hearts for injuries he received while in Vietnam. However, he has never received the awards and his records do not reflect award of the Purple Heart.
3. A review of the applicant's service record shows:
 - He enlisted in the Regular Army on 29 June 1970
 - He served in the Republic of Vietnam from 6 January 1971 through 15 August 1971
 - On 8 February 1972 he was honorably released from active duty; his DD Form 214 shows he was awarded:
 - National Defense Service Medal
 - Army Good Conduct Medal

- Combat Infantryman Badge
- Overseas Service Bar
- Parachutist Badge
- Vietnam Campaign Medal
- Vietnam Service Medal with 1 bronze service star

4. The applicant does not provide, nor does his records contain evidence of award of the Purple Heart.

5. His 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. His name is not listed on the Vietnam Casualty Roster.

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.

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 a thorough review of the applicant's petition and the available military record, the Board finds there is no documented evidence confirming the applicant sustained wounds or injuries as a direct result of hostile action. Furthermore, the applicant has not submitted sufficient supporting evidence demonstrating that any such injury was treated by medical personnel and properly documented at the time of the alleged incident.

2. According to Army regulatory criteria, award of the Purple Heart requires substantiating evidence that an injury was incurred as a result of enemy action and that medical treatment was rendered. In the absence of such documentation in the official record, there is no basis to grant the Purple Heart (2nd Award). As such, the Board determined that the evidence presented does not support correction of the applicant's military records, and the request for relief is denied.

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

■ ■ ■ 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.

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 (AR) 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 may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. AR 635-5 (Separation Documents) in effect at the time, prescribes the separation documents that will be furnished each individual who is separated from the Army. All available records will be used as a basis for the preparation of DD Form 214, including DA Form 20, and orders. Item 24; enter from DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

3. AR 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.

a. Examples of enemy-related injuries which clearly justify award of the Purple Heart are as follows:

(1) Injury caused by enemy bullet, shrapnel, or other projectile created by enemy action.

(2) Injury caused by enemy-placed trap or mine.

(3) Injury caused by enemy-released chemical, biological, or nuclear agent.

(4) Injury caused by vehicle or aircraft accident resulting from enemy fire.

(5) Concussion injuries caused as a result of enemy-generated explosions.

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

(1) Frostbite (excluding severe frostbite requiring hospitalization from 7 December 1941 to 22 August 1951).

(2) Trench foot or immersion foot.

(3) Heat stroke.

(4) Food poisoning not caused by enemy agents.

(5) Chemical, biological, or nuclear agents not released by the enemy.

(6) Battle fatigue.

(7) Disease not directly caused by enemy agents.

(8) Accidents, to include explosive, aircraft, vehicular, and other accidental wounding not related to or caused by enemy action.

(9) Self-inflicted wounds, except when in the heat of battle and not involving gross negligence.

(10) Post traumatic stress disorders.

(11) Airborne (for example, parachute/jump) injuries not caused by enemy action.

(12) Hearing loss and tinnitus (for example: ringing in the ears).

(13) Abrasions and lacerations (unless of a severity to be incapacitating).

(14) Bruises (unless caused by direct impact of the enemy weapon and severe enough to require treatment by a medical officer)

(15) Soft tissue injuries (for example, ligament, tendon or muscle strains, sprains, and so forth).

(16) First degree burns.

//NOTHING FOLLOWS//