

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 May 2025

DOCKET NUMBER: AR20240011799

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) 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)
- Purple Heart Certificate
- DD Form 214
- Paralyzed Veterans of America Support 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 he was injured in the Republic of Vietnam (RVN) by fragments from a hand grenade on 31 March 1969. He sustained injuries to the left side of his chest, left hand, both legs, and right knee. He was discharged with a 10-percent disability rating due to the injuries in his right knee.
3. The applicant provides the following:
 - Certificate, which shows he was awarded the Purple Heart on 1 April 1969 for wounds received in action in the RVN on 31 March 1969
 - DD Form 214 not reflected award of the Purple Heart
 - Paralyzed Veterans of America support letter showing the applicant was wounded in action, but it is not reflected on his service documents
4. A review of the applicant's service record shows the following:
 - on 18 August 1967, he enlisted in the Regular Army for 3 years

- he reported to the RVN on 14 January 1968 and served with the 103rd Engineer Company until on or about 18 April 1969 when he was medically evacuated to the Irwin Army Hospital, Fort Riley, KS
- he was transferred back to the RVN on or about 11 July 1969 and served with the 102nd Engineer Company and the 577th Engineer Company until on or about 8 July 1970
- his DA Form 20 (Enlisted Qualification Record) does not reflect award of the Purple Heart and item 40 (Wounds) contain no entries
- on 8 July 1970, the applicant was honorably transferred to the U.S. Army Reserve Control Group (Reinforcement)
- his DD Form 214, show he was credited with completing 2 years, 10 months, and 21 days of service, with 2 years, 3 months, and 4 days of service in the U.S. Army Pacific
- his DD Form 214 also shows he was awarded:
 - National Defense Service Medal
 - Army Good Conduct Medal
 - Republic of Vietnam Campaign Medal
 - Vietnam Service Medal
- his records are void of orders awarding the applicant the Purple Heart

5. The Vietnam Casualty Roster identifies, by name, Soldiers who were casualties during the Vietnam War; it is commonly used to verify entitlement to award of the Purple Heart. The applicant is listed on this roster as being battle wounded by hostile action on 30 March 1969.

6. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973, maintained by Human Resources Command, failed to reveal orders awarding the applicant the Purple Heart.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the applicant's statement being corroborated by the Vietnam Casualty Roster, where he is identified as being injured in combat, the Board concluded there was sufficient evidence to award and add the Purple Heart to the applicant's military record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the applicant's DD Form 214 by awarding and adding the Purple Heart for injuries incurred while serving in Vietnam on 30 March 1969.

2. Prior to closing the case, the Board noted the administrative notes below and recommended those changes be completed to more accurately reflect the military service of the applicant.

//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.

ADMINISTRATIVE NOTE(S): The applicant is authorized administrative correction of his DD Form 214 for the period ending 8 July 1970 to show the following awards without Board action:

- item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) –
 - two silver service stars with his previously issued Vietnam Service Medal
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
 - Republic of Vietnam Civil Actions Honor Medal
 - Meritorious Unit Commendation
- item 39 (Remarks) – to add Inclusive Dates of Service in Vietnam during Current Period of Service: "Vietnam – 14 January 1968-18 April 1969", Indochina – Yes, Korea – No"

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 Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. 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. When contemplating eligibility for the Purple Heart, the two critical factors commanders must consider is the degree to which the enemy or hostile force caused the wound and whether the wound was so severe that it required treatment by a medical officer.

b. The Vietnam Service Medal was awarded to all service members of the U.S. Armed Forces 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. A bronze service star is authorized with the Vietnam Service Medal for each Vietnam campaign a

member is credited with participating in. Appendix B shows that during the applicant's service in Vietnam, participation credit was awarded for the following campaigns:

- Vietnam Counteroffensive Phase III – 1 June 1967-29 January 1968
- Tet Counteroffensive – 30 January 1968-1 April 1968
- Vietnam Counteroffensive Phase IV – 2 April 1968-30 June 1968
- Vietnam Counteroffensive Phase V – 1 July 1968-1 November 1968
- Vietnam Counteroffensive Phase VI – 2 November 1968-22 February 1969
- Tet 69 Counteroffensive – 23 February 1969-8 June 1969
- Vietnam Summer-Fall 1969 – 9 June 1969-31 October 1969
- Vietnam Winter-Spring 1970 – 1 November 1969-30 April 1970
- Sanctuary Counteroffensive – 1 May 1970-30 June 1970
- Vietnam Counteroffensive Phase VII – 1 July 1970-30 June 1971

3. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows during the applicant's service in Vietnam from 14 January 1968 to 18 April 1969 and from 11 July 1969 to 8 July 1970, his units were awarded:

- the Republic of Vietnam Gallantry Cross with Palm Unit Citation by Department of the Army General Orders (DAGO) Number 8, dated 1974
- the Meritorious Unit Commendation by DAGO Number 43, dated 1972
- Republic of Vietnam Civil Actions Honor Medal by DAGO Number 43, 1970

4. Army Regulation 635-5 (Separation Documents), effective 23 May 1972, stated to indicate Indochina and Korea service performed on or after 5 August 1964 in item 30 of the DD Form 214 by entering inclusive dates of service for Vietnam and indicating "Yes" or "No" for service in Indochina and Korea. To show Vietnam service only, for example, enter "Vietnam – 25 Apr 70 through 28 May 71, Indochina – Yes, Korea – No."

//NOTHING FOLLOWS//