

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 July 2025

DOCKET NUMBER: AR20240011876

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

- award of a second Purple Heart
- award of the Combat Infantryman Badge

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

- Two DD Forms 149 (Application for Correction of Military Record)
- DA Form 20 (Enlisted Qualification Brief)
- DD Form 214 for the period ending 18 March 1970
- Combat Infantryman's Badge Information
- Purple Heart Information

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 twice in Vietnam and his DD Form 214 should be corrected to show he was awarded the Combat Infantryman Badge and a second Purple Heart. As a former 11B (Light Weapons Infantryman) Airborne Paratrooper he was awarded the Purple Heart twice for injuries that occurred during combat he is entitled to those awards, and he meets all of the criteria to be eligible for those awards. For whatever unknown reason, those awards were never listed on his DD Form 214.
3. The applicant is authorized foreign service credit and additional awards not currently listed on his DD Form 214. These awards will be administratively corrected in the "Administrative Notes" section of this document without Board action.
4. The applicant provides, and his service records show:

- He was inducted into the Army of the United States on 19 March 1968
- His military occupational specialty is 11B (Light Infantryman), 19 July 1968
- He served in Vietnam from 24 April 1969 through 10 September 1969
- Medical documents, 7 June 1969 show the applicant had abrasions and contusion to both legs while on combat patrol and was further evacuated to a Continental United States Hospital
- Western Union Telefax, 7 June 1969 shows the applicant was slightly wounded in action in Vietnam on 2 June 1969 while a passenger on a military vehicle on a combat operation when a mine detonated, he was treated and hospitalized in Vietnam
- Item 38 (Record of Assignments) of his DA Form 20 shows he was a 11B in Vietnam and he was a patient on 2 July 1969 at 249th General Hospital
- The applicant was awarded the Purple Heart for wounds received as a result of hostile action in the Republic of Vietnam on 27 May 1969, pursuant to General Orders Number 69, dated 11 August 1969
- He was honorably released from active duty on 18 March 1970 and transferred to the U. S. Army Reserve (USAR), he completed 2 years active federal service

5. His record is void of a second award of the Purple Heart or the Combat Infantryman Badge.

6. The applicant received all excellent ratings in conduct and efficiency, and his record does not reflect any misconduct of disciplinary actions.

7. 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 the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for the PH pertaining to the applicant.

8. The applicant's name is shown on the Department of the Army Office of the Adjutant General Vietnam 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. The Vietnam casualty roster provides the following:

- On 2 June 1969, the applicant was wounded
- Casualty status was: 23 (Hostile Wounded in Action: Not Serious Hospitalized)
- Major attribute cause was: H (Not Booby Trap Connected)
- Complementary cause was: H (Mine)

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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, upon careful consideration of the evidence of record, concludes that the applicant sustained wounds on 2 June 1969 as a direct result of enemy action. Accordingly, the applicant is entitled to award of a second Purple Heart. Further, the record establishes that the applicant held MOS 11B while serving in the Republic of Vietnam. The applicant's service in Vietnam extended from 24 April 1969 through 10 September 1969. Based on these facts, the Board determined that the applicant met the regulatory criteria for award of the Combat Infantryman Badge, having served in an infantry MOS during active ground combat operations.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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 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, ending on 18 March 1970 to show:

- Award of the Purple Heart (2nd Award) for injuries sustained in action on 2 June 1969
- Award of the Combat Infantryman Badge

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 shows he is authorized foreign service and awards not listed on his DD Form 214. As a result, amend his DD Form 214 for the period ending 18 March 1970, by amending:

a. Item 24 (Awards) by adding:

(1) Two bronze service stars with the Vietnam Service Medal

- TET 69 Counteroffensive, 23 February 1969-8 June 1969
- Vietnam Summer-Fall 1969, 9 June 1969-31 October 1969

(2) Republic of Vietnam Gallantry Cross with Palm Unit Citation

(3) Republic of Vietnam Civil Actions Medal

(4) Two Overseas service bars

b. Item 30 (Remarks) to read: "Service in Vietnam from 24 April 1969 to 10 September 1969"

REFERENCES:

1. Title 10 (Armed Forces), United States Code (USC), 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 Army Board for Correction of Military Records (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) 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Purple Heart is awarded to any member who, while serving under competent authority in any capacity with one of the Army Services, has been wounded or killed or who has died or may hereafter die after being wounded:

- In any action against an enemy of the United States;
- In any action with an opposing armed force of a foreign country in which the Armed Forces of the United States are or have been engaged;
- While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;
- As a result of an act of any such enemy of opposing armed forces;
- As a result of an act of any hostile foreign force;

b. Substantiating evidence must be provided to verify that 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.

c. A physical lesion is not required.

(1) Treatment of the wound will be documented in the member's medical and/or health record.

(2) Award may be made for a wound treated by a medical professional other than a medical officer provided a medical officer includes a statement in the member's medical record that the severity of the wound was such that it would have required treatment by a medical officer if one had been available to provide treatment.

(3) A medical professional is defined as a civilian physician or a physician extender. Physician extenders include nurse practitioners, physician assistants, and other medical professionals qualified to provide independent treatment (to include Special Forces medics). Medics (such as combat medics – military occupational specialty 68W) are not physician extenders.

(4) A medical officer is defined as a physician with officer rank. The following are medical officers:

(a) An officer of the medical corps of the Army.

(b) An officer of the medical corps of the U.S. Navy.

(c) An officer in the U.S. Air Force designated as a medical officer in accordance with Title 10, United States Code, section 101.

d. 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.

(6) Mild traumatic brain injury or concussion severe enough to cause either loss of consciousness or restriction from full duty due to persistent signs, symptoms, or clinical finding, or impaired brain function for a period greater than 48 hours from the time of the concussive incident.

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

- Frostbite (excluding severe frostbite requiring hospitalization from 7 December 1941 to 22 August 1951)
- Trench foot or immersion foot.
- Heat stroke
- Food poisoning not caused by enemy agents
- Chemical, biological, or nuclear agents not released by the enemy.

- Battle fatigue
- 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)
- Mild traumatic brain injury or concussions that do not either result in loss of consciousness or restriction from full duty for a period greater than 48 hours due to persistent signs, symptoms, or physical finding of impaired brain function
- 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).
- First degree burns

f. A Purple Heart is authorized for the first wound suffered under conditions indicated above. For each subsequent award, an oak leaf cluster will be awarded to be worn on the medal or ribbon. No 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.

3. Army Regulation 600-8-22 (Military Awards) states the Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons.

a. An Army Soldier must have an infantry military occupational specialty and must have satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or special forces unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat. A Soldier must be personally present and under hostile fire while serving in an assigned infantry primary duty, in a unit actively engaged in ground combat with the enemy, to close with and destroy the enemy with direct fires.

b. Paragraph 8-6 contains the regulatory guidance for the CIB. It states there are basically three requirements for award of the CIB:

- the Soldier must be an infantryman satisfactorily performing infantry duties
- he must be assigned or attached to an infantry unit of brigade, regimental, or smaller size during such time as the unit is engaged in active ground combat
- he must actively participate in such ground combat

4. Department of the Army Pamphlet 672-3 (Unit and Campaign Participation Credit Register) was published to 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.

a. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign. During his service in Vietnam, the applicant participated in the following campaigns:

- TET 69 Counteroffensive, 23 February 1969-8 June 1969
- Vietnam Summer-Fall 1969, 9 June 1969-31 October 1969

b. Department of the Army General Orders Number 51, dated 1971, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to 5th Battalion, 12th Infantry and its subordinate units for the period 19 June 1968 to 31 July 1970.

c. Department of the Army General Orders Number 51, dated 1971, announced award of the Republic of Vietnam Civil Actions Medal to 5th Battalion, 12th Infantry and its subordinate units for the period April 1968 to 31 August 1970.

5. The Department of the Army Office of the Adjutant General Vietnam 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. Army Regulation 670-1 (Wear and Appearance of Army Uniforms and Insignia) prescribes the authorization for wear, composition, and classification of uniforms, and the occasions for wearing all personal (clothing bag issue), optional, and commonly worn organizational clothing and individual equipment uniforms. It prescribes the uniforms, awards, insignia, and accouterments authorized for wear.

a. Overseas service bars. Soldiers are authorized to wear one overseas service bars for each 6-month period of active Federal service as a member of a U.S. Service as indicated below. Periods of less than 6 months duration, which otherwise meets the requirements for the award of overseas service bars, may be combined by adding the number of months to determine creditable service toward the total number of overseas service bars authorized. Listed beginning dates and ending dates are inclusive. The months of arrival to, and departure from the designated area are counted as whole months.

b. Service in Vietnam. Between 1 July 1958 and 28 March 1973. The months of arrival to, and departure from Vietnam are counted as whole months for credit toward the overseas service bar. If a Soldier receives a month of hostile fire pay for a period(s) of TDY service in Vietnam, then the Soldier may also receive credit for a corresponding month towards award of an overseas service bar.

7. Army Regulation 635-5 (Personnel Separations Separation Documents) in effect at the time, states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation.

//NOTHING FOLLOWS//