

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE:

DOCKET NUMBER: AR20240012821

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.

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

- DD Form 149 (Application for Correction of Military Record)
- General Orders Number 2448, 4 October 1968
- Character Reference

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, in effect, he is seeking a correction of his DD Form 214 to reflect award of the Purple Heart due to injuries he incurred on 21 August 1968, from enemy fire while serving in Vietnam. He bears scars on the left side of his body caused by shrapnel, which qualifies him for this honor. Despite assurances from his chain of command at that time that he would receive the Purple Heart, he has yet to be awarded it. He is unable to travel to appear before the Board; however, he believes that his scars, his Army Commendation Medal for Valor, and a letter from his wife should be sufficient evidence for the award.
3. The applicant is authorized additional awards and badges 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 shows:
 - On 2 October 1967, he enlisted in the Regular Army
 - On 18 May 1968, he arrived in Vietnam; he was assigned to Echo Company, 3d Battalion (Airborne), 503d Infantry, 173d Airborne Brigade

- On 4 October 1968, pursuant to General Orders Number 2448, he was awarded the Army Commendation Medal for Valor, due to his heroism in connection with military operations against a hostile force, in Vietnam, on 21 August 1968
- On 13 May 1969, he returned from Vietnam
- His DD Form 214 shows he was honorably discharged from active duty on 1 October 1970, due to the expiration of his term of service (ETS); he completed 3 years of active federal service
- In a medical document, which provides his service connected disability ratings from the Department of Veterans Affairs (VA), shows that during his service he sustained 2nd degree burns, and abdominal muscle damage
- On 31 July 2025, in an email from the U.S. Army Human Resources Command (HRC), shows he was awarded the Army Commendation Medal for Valor, due to his heroism in connection with military operations against a hostile force, in Vietnam
- His record is void of the award of the Purple Heart

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

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

7. The applicant's name is not 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.

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 review of the applicant's petition and the available military records, the Board determined that the evidence submitted by the applicant is not sufficient to support eligibility requirements for award of the Purple Heart. The Board agreed there was insufficient evidence that showed the applicant's name on the casualty listing or notification to his family that he had been wounded. There is no medical record showing the applicant received wounds caused by enemy forces that required treatment by medical personnel.

2. Per the regulatory guidance on awarding the Purple Heart, the applicant must provide or have in his service records substantiating evidence to verify that he was injured, 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. Based on this, 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.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XX	XX	XX	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 //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 additional awards, and badges not listed on his DD Form 214. As a result, amend his DD Form 214 for the period ending 1 October 1970, by amending item 24 (Awards) by adding:

- Four bronze service stars to the previously awarded Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Medal
- Air Medal
- Army Commendation Medal (Fourth Award)
- Drill Sergeant Identification Badge

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 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, 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. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. 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. 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.

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:

- 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

b. Department of the Army General Orders Number 5, dated 1973, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to 3d Battalion, 503d Infantry and its subordinate units for the period 22 October 1967 to 26 September 1970.

c. Department of the Army General Orders Number 51, dated 1971, announced award of the Republic of Vietnam Civil Actions Medal to 3d Battalion, 503d Infantry and its subordinate units for the period 15 April 1966 to 16 March 1972.

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 672-15 (Decorations and Awards Service Medals), in effect at the time, states the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all "excellent" conduct and efficiency ratings. Ratings of "Unknown" for portions of the period under consideration were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

7. Army Regulation 635-5 (Personnel Separations Separation Documents), 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//