

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 August 2025

DOCKET NUMBER: AR20240012889

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 28 December 1969 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)
- DD Form 602 (Patient Evacuation Tag), 1 July 1967
- Standard Form (SF) 509 (Clinical Record – Doctor's Progress Notes), 6 July 1967
- Surgeon General's Form 84R (Clinical Record Cover Sheet), 9 August 1967
- SF 502 (Clinical Record – Narrative Summary), 14 August 1967
- SF 519 (Clinical Record – Radiographic Reports), 6 February 1968
- photograph of two Silver Star medals and a Purple Heart medal engraved with the applicant's name

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 the Republic of Vietnam (RVN) as a result of enemy action on 16 June 1967 as documented in the enclosed medical records. He was air evacuated to the 12th Evacuation Hospital for an emergency laparotomy and then further evacuated to Fort Sam Houston, TX, for hospitalization, convalescence, and recovery. Postoperatively, he was awarded the Purple Heart by the 25th Infantry Division Assistant Division Commander. After his second RVN tour, his previously awarded medals were lost in transit and replacement medals were requested. These medals were sent engraved as shown in the enclosed photograph, indicating a citation had been issued. He applied for Department of Veterans Affairs benefits last year and found the citation for the Purple Heart had been lost. Several attempts to find the citation over the past year have been fruitless.

3. The applicant provides, and his service record shows the following:

- on 10 August 1966, he was commissioned as a Regular Army officer in the Infantry Branch in the rank/grade of second lieutenant/O-1
- on 20 December 1965 until 3 August 1966, he was assigned to U.S. Army Europe (Germany)
- he reported to the RVN on 18 September 1966 and served with the 4th Battalion, 9th Infantry Division, until on or about 1 July 1967 when he was medically evacuated as indicated on DD Form 602
- SF 509, 6 July 1967, shows the applicant was treated for multiple grenade fragment wounds of the arm, chest, abdomen, right buttocks, and right leg; he also suffered a lacerated liver and diaphragm on 16 June 1967, after several days of treatment he was evacuated to Fort Sam Houston, TX, on 23 June 1967
- Surgeon General's Form 84R, 9 August 1967, notes the applicant's injuries were due to hostile action on 16 June 1967
- SF 502, 14 August 1967, also shows he was wounded by grenade fragments while on duty in the RVN on 16 June 1967
- SF 519, 6 February 1968 shows the applicant had multiple opaque foreign bodies approximately 1 centimeter in length by 1/4 to 1/2 centimeter in width, lying in the subcutaneous tissues of the back and within the abdomen, mostly within the lower right quadrant
- an undated photograph of two Silver Star medals and a Purple Heart medal engraved with the applicant's name showing he was issued the medals on an unknown date
- on 27 December 1969, General Orders Number 7460 awarded him the Bronze Star Medal first oak leaf cluster [not reflected on his DD Form 214]
- on 28 December 1969, the applicant was honorably transferred to the U.S. Army Reserve
- his DD Form 214, shows he completed 4 years, 6 months, and 20 days of service, including 2 years, 2 months, and 15 days of foreign service
- his DD Form 214 also shows he was awarded:
  - Ranger Tab
  - Parachutist Badge
  - National Defense Service Medal
  - Vietnam Service Medal
  - Republic of Vietnam Campaign Medal
  - Bronze Star Medal
  - Air Medal
  - Silver Medal with 1 oak leaf cluster
  - Combat Infantryman Badge

- Republic of Vietnam Gallantry Cross with bronze star
  - his records are void of orders awarding him the Purple Heart
4. 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 not listed on this roster as being battle wounded by hostile action.
5. 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, failed to reveal orders awarding the applicant the Purple Heart.

#### 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 review based on law, policy, and regulation. The evidence of record shows the applicant was appointed as a commissioned officer on 10 August 1966. The applicant provides a SF 509, dated 6 July 1967, which shows the applicant was treated for multiple grenade fragment wounds of the arm, chest, abdomen, right buttocks, and right leg; he also suffered a lacerated liver and diaphragm on 16 June 1967. The Board determined the applicant met the criteria for award of the Purple Heart.
2. The applicant's DD Form 214 has decorations that have been omitted from the applicant's DD Form 214 ending on 28 December 1969 as identified in the "administrative notes" section of the ROP.

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:

1. 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 awarding him the Purple Heart for injuries sustained in action on 16 June 1967.
2. The applicant's DD Form 214 has decorations that have been omitted from the applicant's DD Form 214 ending on 28 December 1969 as identified in the "administrative notes" section of the ROP.

X //Signed//

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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 28 December 1969 to show the following awards without Board action:

- item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) –
  - one silver service star with his previously issued Vietnam Service Medal
  - one oak leaf cluster with his already awarded Bronze Star Medal
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation
  - Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation
- item 30 (Remarks) – to add Inclusive Dates of Service in Vietnam during Current Period of Service: "Vietnam – 18 September 1966-5 July 1967 and 14 March 1969-28 December 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 672-5-1 (Military Awards), 8 April 1968 and in effect at the time, stated the primary purpose of the awards program is to provide tangible evidence of public recognition for acts of valor and for exceptional service or achievement. The Purple Heart is awarded to any member of the Armed Forces who 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; or as the result of an act of any hostile foreign force.

a. For the purpose of considering an award of this decoration, a "wound" was defined as an injury to any part of the body from an outside force or agent sustained as a result of action against an enemy. A physical lesion was not required, provided the concussion or other form of injury was directly due to enemy, opposing armed force, or hostile foreign force action.

b. It was not intended that such a strict interpretation of requirement for the wound/injury to be caused by direct result of hostile action be taken which would preclude the award being made to deserving personnel. For example: In a case such as an individual injured while making a parachute landing from an aircraft that had been brought down by enemy fire or an individual injured as a result of a vehicle accident caused by enemy fire, the decision will be made in favor of the individual and the award will be made.

c. A wound for which the award was made must have required treatment by a medical officer and records of medical treatment for wounds or injuries received in action must have been made a matter of official record.

3. 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 II – 1 July 1966-31 May 1967
- Vietnam Counteroffensive Phase III – 1 June 1967-29 January 1968
- 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

4. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) stated the authority to award the Purple Heart was delegated to hospital commanders. 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.

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows during the applicant's service in Vietnam from 18 September 1966 to 5 July 1967 and from 14 March 1969 to 28 December 1969, his units were awarded:

- the Republic of Vietnam Gallantry Cross with Palm Unit Citation by Department of the Army General Orders (DAGO) Number 48, dated 1971
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation by DAGO Number 51, 1971

6. 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//