

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 July 2025

DOCKET NUMBER: AR20240013018

APPLICANT REQUESTS: award of the Purple Heart.

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

DD Form 149 (Application for Correction of Military Record)

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 Vietnam in July 1969. He was medically evacuated to March Air Force Base, CA. He remembers waking up with the Purple Heart medal pinned to his pillow.
3. A review of the applicant's service records reflect the following:
 - a. He enlisted in the Regular Army on 27 June 1967.
 - b. The applicant's DA Form 20 (Enlisted Qualification Record) shows:
 - (1) Item 31 (Foreign Service) – he served in the U.S. Army Pacific (USARPAC) – Vietnam from 21 July 1968 through 21 July 1969.
 - (2) Item 38 (Record of Assignments) – he was assigned to Headquarters and Headquarters Troop, 2nd Squadron, 11th Armored Cavalry Regiment, from 24 July 1968 through 21 July 1969.
 - (3) Item 40 (Wounds) – no entry.
 - (4) Item 41 (Awards and Decorations) – no entry for the Purple Heart.

c. Message – Subject: Reassignment of Medical Evacuees, sent 28 July 1969, reassigned him from the Republic of Vietnam to a USARPAC hospital, on 21 July 1969.

d. Unit Order Number 116, issued by Medical Holding Detachment, U.S. Army Hospital, Fort MacArthur, CA on 5 September 1969, relieved him from the hospital and returned him to the medical holding detachment Hospital, on 4 September 1969.

e. On 28 May 1970, the applicant was honorably released from active duty and transferred into the U.S. Army Reserve (USAR). His DD Form 214 (Armed Forces of the U.S. Report of Transfer or Discharge) reflects he was awarded or authorized the:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Good Conduct Medal
- 2 Overseas Service Bars
- Expert (Rifle M-16) Badge
- Sharpshooter (Rifle M-14) Badge

f. On 25 November 1970, the Office of the Adjutant General, U.S. Army Administration Center issued Letter Orders Number 05-1108056, honorably discharged the applicant from the USAR Control Group (Standby), effective 1 June 1973.

4. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders, maintained by the U.S. Army Human Resources Command, failed to reveal any orders for a Purple Heart pertaining to the applicant.

5. The applicant's name is not shown on the Vietnam casualty roster. This is a listing of casualties commonly used to verify entitlement to award of 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 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 available military record, the Board determined based on regulatory guidance, there is insufficient evidence to support the applicant's contentions for award of the Purple Heart.

2. The Board acknowledged the applicant's contentions for his wounds allegedly sustained in Vietnam in July 1969. The applicant states he was medically evacuated and recalls waking up with a Purple Heart medal pinned to his pillow. Evidence in the

record confirms his service in Vietnam from 21 July 1968 to 21 July 1969 with assignment to Headquarters and Headquarters Troop, 2nd Squadron, 11th Armored Cavalry Regiment. However, Item 40 (Wounds) contains no entry, and Item 41 (Awards and Decorations) does not list the Purple Heart. Furthermore, the applicant's name does not appear on the Vietnam casualty roster, a commonly used source to verify entitlement to the PH.

3. The Board noted, the applicant was medically evacuated from Vietnam to a U.S. Army hospital in July 1969, however, there is no documentation indicating the evacuation was due to wounds sustained as a result of enemy action, as required by Army regulatory criteria for award of the PH. The Board acknowledges the applicant's honorable service and his recollection of events; however, in accordance with Army regulations, the Purple Heart may only be awarded when there is substantiated evidence that a wound was sustained as a direct result of enemy action and that the wound required treatment by medical personnel. In the absence of sufficient documentation, the Board denied relief for award of the Purple Heart.

4. 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
XXX	XXX	XXX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found 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):

1. Army Regulation 635-5 (Separation Documents), in effect at the time, stated the DD Form 214 was to list all decorations, service medals, campaign credits, and badges awarded or authorized.

2. A review of the applicant's record shows his DD Form 214, for the period ending 28 May 1970, is missing important entries that affect recognition for his acts of heroism. As a result, amend the DD Form 214 by adding the following entries in item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- Vietnam Service Medal with four bronze service stars
- Republic of Vietnam Campaign Medal with 60 Device
- Republic of Vietnam Gallantry Cross with Palm

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 15-185 (ABCMR) paragraph 2-9 states 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 600-8-22 (Military Awards) states the Purple Heart is awarded for a wound sustained while in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify that 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.

a. Examples of enemy-related injuries which clearly justify the Purple Heart:

- Injury caused by enemy bullet, shrapnel, or other projectile created by enemy action
- Injury caused by enemy-placed trap or mine
- Injury caused by enemy-released chemical, biological, or nuclear agent
- Injury caused by vehicle or aircraft accident resulting from enemy fire
- Concussion injuries caused as a result of enemy-generated explosion

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

- Frostbite (excluding severe frostbite requiring hospitalization from 7 December 1941 to 22 August 1951)
- Trench foot or immersion foot, heat stroke, battle fatigue, first degree burns, and food poisoning not caused by enemy agents
- Chemical, biological, or nuclear agents not released by the enemy
- 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 disorder
- Airborne (for example, parachute/jump) injuries not caused by enemy action
- Hearing loss and tinnitus (for example: ringing in the ears)
- 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)

4. Army Regulation 672-5-1 (Decorations and Awards) in effect at that time provides that the Purple Heart may be awarded by the Commanding General of any separate force who is in the grade or position of a major general or higher or by any field grade officer to whom he may delegate authority. The Purple Heart was established by General George Washington at Newburgh, New York, on 7 August 1782 and revived by the President on 22 February 1932, is awarded to any member of the Armed Forces of the United States and to any civilian citizen of the United States serving with the Army who was wounded either in action against an armed enemy of the United States or as a direct result of an act of such enemy, provided the wound necessitated treatment by a medical officer. The criteria for an award of the Purple Heart requires the submission of substantiating evidence to verify:

- the injury/wound was the result of hostile action
- the injury/wound must have required treatment by medical personnel
- the medical treatment must have been made a matter of official record during the period of hostilities or within 6 months thereafter

//NOTHING FOLLOWS//