

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 August 2025

DOCKET NUMBER: AR20240013733

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

- award of the Purple Heart
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement, undated
- Standard Form (SF) 600 (Chronological Record of Medical Care) 8 March 1968
- Letter dated 13 March 1968 for Army Commendation Medal
- Photo of Military Tank in Vietnam
- Photo of Applicant and Service Members in Vietnam
- News Article, Camp Enari, Vietnam, 31 March 1968
- 10 Witness Statements
- DD Form 214

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 the armored personnel carrier (APC) he was riding on was hit by two North Vietnamese rockets which led to shrapnel being sprayed on him and others. The direct rocket fire resulted in shrapnel wounds to various parts of his body to include his eyes. He and other Soldiers engaged in combat to prevent the North Vietnamese from getting radios out the APC. He was treated by medics in the field and evacuated the next day to the 71st Evacuation Hospital in Pleiku, Vietnam. He believes this combat injury qualifies him for the Purple Heart. Additionally, the applicant noted post-traumatic stress disorder as a condition related to his request.

3. The applicant provides:

a. An SF 600 shows on 8 March 1968 he was treated for his eyes, corneal irritation with no evidence of foreign body, at the 71st Evacuation Hospital, Pleiku, Vietnam

b. A letter dated 13 March 1968 to the applicant's mother informing her the applicant was awarded the Army Commendation Medal while serving in Vietnam

c. Two photos with handwritten notes:

- the APC location where the rockets hit it and where he was sitting
- an image of the Soldiers after the attack with the medics who provided treatment

d. A newsletter from Camp Enari, Vietnam dated 31 March 1968 detailing the attack in Vietnam to the APC on the 2nd Battalion (Mechanized), 8th Infantry Company B detailing the loss of 24 lives.

f. The applicant provides 10 witness statements confirming the events in Vietnam and further noting:

- he was involved in an attack in Vietnam
- he was hit by flying shrapnel on or about March 1968
- he was treated by medics and was wearing a medical evacuation tag as seen in the photos
- he was evacuated to the 71st Evacuation Hospital for treatment

4. A review of the applicant's service record shows:

a. He was inducted into the Army of the United States on 15 February 1967.

b. His DA Form 20 (Enlisted Qualification Record) shows in:

- Item 31 (Foreign Service), Vietnam from 8 August 1967 to 6 August 1968
- Item 38 (Record of Assignment), assigned to Company B, 2nd Battalion, 8th Infantry, 4th Infantry Division

c. The SF 600 provided by the applicant was also available in his service record which confirmed he was seen at the 71st Evacuation Hospital on 8 March 1968 for corneal irritation. Additionally, he was found to have no abrasions or any foreign bodies in his corneal.

d. He was honorably released from active duty on 17 February 1969. His DD Form 214 shows he completed 2 years and 3 days of active service. It also shows he was awarded or authorized:

- Two Overseas Service Bars
- Combat Infantryman Badge
- Vietnam Campaign Medal
- Vietnam Service Medal
- Good Conduct Medal
- Expert Marksmanship Qualification with Rifle Badge (M-16)
- Army Commendation Medal with "V" Device

5. Nothing in several typical sources show he was injured or wounded as a result of hostile action or that he was awarded the Purple Heart:

(1) His name is not shown on the Vietnam casualty listing. This is a listing of Vietnam era casualties commonly used to verify entitlement to award of the Purple Heart.

(2) His available personnel records do not contain an official Army message or a Western Union telegram notifying his next of kin of an injury or wound sustained in action. This was generally the proper notification procedure for injuries at the time.

(3) Item 40 (Wounds) of his DA Form 20 (Enlisted Qualification Record) does not record any wounds sustained as a result of hostile action.

(4) 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 any orders for the Purple Heart pertaining to the applicant.

6. A review of the applicant's record confirms he is eligible for awards that are not recorded on his DD Form 214.

7. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

**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 inducted into the Army on 15 February 1967 and subsequently deployed to Vietnam. His record contains a SF 600 which shows on 8 March 1968 he was evacuated and treated for corneal irritation of the eyes, at the 71st Evacuation Hospital, Pleiku, Vietnam. The Board determined the applicant met the criteria for award of the Purple Heart.
  
2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.
  
3. Prior to closing the discussion, the Board reviewed and concurred with the analyst of record's administrative note below to add additional awards authorized.

**BOARD VOTE:**

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

**BOARD DETERMINATION/RECOMMENDATION:**

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 8 March 1968, while in Vietnam. As a result, add to his DD Form 214 for the period ending 17 February 1969, the:

- Purple Heart
- Presidential Unit Citation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- four bronze service stars to his previously issued Vietnam Service Medal



**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):

A review of the applicant's service records show he is authorized additional awards and campaign credits not annotated on his DD Form 214 for the period ending 17 February 1969. As a result, correct his DD Form 214 to show:

- Presidential Unit Citation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- four bronze service stars to his previously issued Vietnam Service Medal

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) 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, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. U.S. Army Vietnam (USARV) Regulation 672-5-1 (Decorations and Awards), in effect at the time, prescribed policies, responsibilities, and criteria for awards to insure prompt and proper recognition of individuals. The regulation states, in part:

a. The Purple Heart may be awarded to U.S. personnel who are wounded or killed in action as a direct result of enemy action. A wound for which the award is made must have required treatment by a medical officer and records of medical treatment for wounds or injuries received must have been made a matter of official record.

b. Authority to award the Purple Heart was delegated to hospital commanders. Further, 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 more than 24 hours or evacuation from Vietnam would be awarded the Purple Heart directly by the hospital commander rendering treatment.

4. Army Regulation 600-200 (Enlisted Personnel Management System), chapter 9, of the version in effect at the time, stated a brief description of wounds or injuries (including injury from gas) requiring medical treatment received through hostile or enemy action, including those requiring hospitalization would be entered in item 40 (wounds) of the DA Form 20. This regulation further stated that the date the wound or injury occurred would also be placed in item 40.

5. Army Regulation 600-8-22 (Military Awards), currently in effect, prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. It provides that 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. Examples of enemy-related injuries which clearly justify award of the Purple Heart are as follows:

- 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 explosions
- 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.

6. Department of the Army Pamphlet 672-3 (Unit Citations and Campaign Participation Credit Register) 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. Department of the Army General Orders (DAGO) Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross Unit Citation with Palm to Headquarters, United States Army Vietnam, for service in Vietnam for the period of 20 July 1965 to 28 March 1973.

b. DAGO Number 38, dated 1971, awarded Company B, 2nd Battalion, 8th Infantry, 4th Infantry Division the Presidential Unit Citation for service in Vietnam from 29 October 1967 to 30 November 1967.

//NOTHING FOLLOWS//