

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 July 2025

DOCKET NUMBER: AR20250002884

APPLICANT REQUESTS: This case comes before the Army Board for Correction of Military Records (ABCMR) on a voluntary remand from the United States District Court for the District of Colorado. The Court directed the Board to reconsider its previous decision pertaining to the award of the Purple Heart; specifically:

- Assess as new evidence the declaration made by Doctor (Dr.) C\_\_ Y\_\_ (treating medical officer)
- Provide an analysis that discusses the treating medical officer's explanation for the treatment provided, rather than simply stating the wound did not require treatment

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

- Court Remand
- Declaration by Dr. C\_\_ Y\_\_

FACTS:

1. On 5 October 2006, while serving in the Regular Army and deployed to Iraq, the applicant incurred a laceration to his right shoulder as a result of enemy fire.

- A member of the applicant's unit completed a DA Form 1156 (Casualty Feeder Card) that detailed how the applicant sustained his wound and what actions occurred thereafter
- At the battalion aid station, Dr. C\_\_ Y\_\_ prepared a MEDCOM Test Form 1381 (Trauma Record – Discharge Summary), which described the wound; the form showed the treating physician returned the applicant to duty
- On 29 October 2007, the applicant redeployed to Fort Bragg, NC; on 17 February 2013, the Army honorably discharged him; he subsequently entered the Colorado Army National Guard (COARNG) and executed his oath as a commissioned officer

2. In July 2020, the applicant's COARNG leadership recommended him for the Purple Heart, based on the wounds he incurred on 5 October 2006.

- In November 2021, the U.S. Army Human Resources Command (HRC) disapproved the Purple Heart
  - In May 2022, the applicant applied to the ABCMR, asking the Board to award him the Purple Heart; in January 2023, the Board denied the requested relief
3. On 7 March 2025, following the applicant's challenge to the ABCMR's decision and his submission of additional evidence, the court remanded the case to the Board.
4. A review of the applicant's service record shows the following:
- On 16 June 2005, the applicant enlisted into the Regular Army for 4 years and 19 weeks; upon completion of initial entry and airborne training, the Army awarded him military occupational specialty 11B (Infantryman) and orders assigned him to an infantry unit within the 82nd Airborne Division
  - On 8 August 2006, the applicant deployed to Iraq with his unit; on 5 October 2006, he sustained wounds; on 29 October 2007, he redeployed to Fort Bragg
  - On 17 March 2013, the Army honorably discharged the applicant; his DD Form 214 shows he completed 7 years, 8 months, and 2 days of net active duty service; the report additionally lists the following awards:
    - Iraq Campaign Medal (2nd Award) with four bronze service stars
    - Army Achievement Medal (4th Award)
    - Meritorious Unit Commendation
    - Army Good Conduct Medal (2nd Award)
    - National Defense Service Medal
    - Global War on Terrorism Expeditionary Medal
    - Global War on Terrorism Service Medal
    - Noncommissioned Officer Professional Development Ribbon with Number "2"
    - Army Service Ribbon
    - Overseas Service Ribbon with Numeral "2"
    - Combat Infantryman Badge
    - Special Forces Tab
    - Parachutist Badge
  - On 20 May 2016, the applicant executed his oaths of office as a commissioned officer in the COARNG and the Army of the Reserve
  - On 18 June 2020, an informal physical evaluation board found him physically unfit for continued military service and recommended his placement on the Permanent Disability Retired List
  - On 1 July 2020, the COARNG recommended HRC award the applicant the Purple Heart

- On 16 August 2020, the COARNG honorably discharged the applicant; effective 17 August 2020, U.S. Army Physical Disability Agency Orders retired the applicant due to permanent disability
- On 19 November 2021, HRC disapproved the Purple Heart
- On 3 May 2022, the applicant applied to the ABCMR, requesting the Purple Heart; he provided 8 exhibits; on 9 January 2023, the Board denied the applicant's request, stating the following:
  - The Board considered HRC's response and concurred with HRC's opinion
  - While the evidence indicated the applicant sustained lacerations and contusions, his injuries were "not severe enough to require (treatment) by a medical officer
- At some point prior to March 2025, the applicant filed a complaint in the U.S. District Court for the District of Colorado; with his complaint, he included a declaration from the treating physician (Dr. C\_\_ Y\_\_)
- Although the Court initially denied the applicant's request for remand, a further review by the Court found merit in the applicant's arguments and directed the remand of his case to the ABCMR

4. The declaration by Dr. C\_\_ Y\_\_ states the following:

- From September 2004 until December 2007, he served as the battalion surgeon for the applicant's unit, and he deployed to Iraq in 2006
- On 5 October 2006, he was at the battalion aid station treating Soldiers, and he received notice the applicant was coming to the aid station because he had sustained trauma; on evaluating the applicant, he determined the applicant had been shot by an enemy bullet in the neck
- Dr. C\_\_ Y\_\_ treated and bandaged the wound and recorded his assessment and treatment on a trauma record; he then released the applicant into the care of the platoon medic with instructions to monitor the applicant overnight in case of any worsening signs; he additionally ordered the applicant to return to the aid station the next day for reevaluation

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the applicant's military records, and regulatory guidance were carefully considered.

a. The evidence shows the applicant served in Iraq from 8 August 2006 to 29 October 2007. During his deployment to Iraq, on 5 October 2006, he sustained an injury to his right shoulder area. Upon return, he was treated at the aid station by Captain (CPT) CY for a gunshot wound and returned to duty with reevaluation the following day.

b. The Board noted the new evidence provided by the applicant, the statement by Dr. (then CPT) CY, indicating that in his opinion, the gunshot wound the applicant suffered at the hands of the enemy on 5 October 2006, entitles him to the Purple Heart.

c. The Board found the applicant has demonstrated by a preponderance of evidence an error or injustice warranted award of the Purple Heart. The Board found underlying procedural inequity that the applicant's wound was not severe enough to warrant additional treatment . Specifically, the Board found the applicant met his burden of proof that:

- (1) the injury was caused by enemy action;
- (2) the injury was treated by a medical officer;
- (3) the treatment was documented in official records and certified by a medical officer.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

: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 amendment of the ABCMR's decision in Docket Number AR20220008303 on 9 January 2023. 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 5 October 2006

- adding to his DD Form 214, for the period ending 17 February 2013, the Purple Heart

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.

REFERENCES:

1. Army Regulation (AR) 600-8-22 (Military Awards), currently in effect, states in paragraph 2-8 (Purple Heart):

a. The Purple Heart is awarded to any member of an Armed Force of the United States who, after 5 April 1917, has been wounded, killed, or who has died or may hereafter die of wounds, based on the following circumstances:

- 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
- As the result of an act of any hostile foreign force

b. To qualify for award of the Purple Heart, the wound must have been of such severity that it required treatment, not merely examination, by a medical officer. A wound is defined as an injury to any part of the body from an outside force or agent. A physical lesion is not required. Treatment of the wound must also be documented in the member's medical or health record.

c. An example of injuries which do not justify eligibility for the Purple Heart include abrasions or lacerations, unless the severity requires treatment by a medical officer, and bruises or contusions, unless caused by direct impact of an enemy weapon and is severe enough to require treatment by a medical officer.

2. AR 15-185 (Army Board for Correction of Military Records), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//