

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 August 2025

DOCKET NUMBER: AR20250003136

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show he was awarded the Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- DA Form 20 (Enlisted Qualification Record)
- DD Form 214
- Eyewitness Statement
- Department of Veterans Affairs (VA) – Rating Decision, 9 August 2024

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 assigned to guard duty when a rocket propelled grenade (RPG) struck his bunker, collapsing the roof onto his head and knocking him unconscious, resulting in a concussion. He later suffered head trauma after a mortar round hit the truck he was riding in north of Chu Lai, causing him to lose consciousness and experience dizziness and vomiting. During an ambush while returning to base, he manned an M60 to defend his unit after a comrade was hit, and sustained a gunshot wound to his left elbow. On another night guard shift, he was grazed by a bullet on his upper right arm while returning fire. He did not formally report any of these injuries choosing to avoid scathing remarks from his captain so there are no official records; he can provide photographs and a buddy letter as supporting evidence.
3. The applicant provides:

a. A statement from Mr. [REDACTED] wherein he notes while in Vietnam in 1970, the applicant visited his hooch and shared with him he was wounded by a bullet on his left elbow. The applicant also stated that it was the second time he was wounded. The first time he was hit on his upper right shoulder. Mr. [REDACTED] saw both wounds; however, "he was only a witness and not a doctor. With that being said, He cannot make a statement on the severity of the applicant's wounds."

b. On 9 August 2024, the Veterans Benefits Administration – Board of Veterans Appeals rendered their decision, approving the applicant's VA claim with statements from the applicant outlining the details of the events which led to his injury.

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

a. He was inducted into the Army of the United States on 9 July 1969.

b. His DD Form 20 (Enlisted Qualification Record) shows the applicant served in Vietnam from 10 December 1969 to 9 February 1971. Item 40 (wounds) did not include an entry. He received all excellent in conduct and efficiency ratings.

c. His record does not reflect any disciplinary actions or misconduct.

d. He was honorably released from active duty on 7 February 1971. His DD Form 214 shows he completed 1 year, 6 months, and 29 days active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Army Commendation Medal with 1 oakleaf cluster
- Sharpshooter Marksmanship Qualification Badge with Rifle (M-14)
- Expert Marksmanship Qualification Badge with Rifle (M-16)
- Vietnam Service Medal
- Vietnam Campaign Medal with Device (1960)

e. On 27 November 2023, a DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty) was issued amending the following:

- Delete: Vietnam Service Medal
- Add: Bronze Star Medal
- Add: Vietnam Service Medal with 3 bronze service stars
- Add: Republic of Vietnam Gallantry Cross with Palm Unit Citation (2nd Award)

5. The applicant is not listed on the Vietnam Casualty Roster. 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.
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 Human Resources Command, failed to reveal orders awarding the applicant the Purple Heart.

BOARD DISCUSSION:

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 review based on law, policy, and regulation. The Board determined to be awarded the Purple Heart, the regulatory guidance requires all elements of the award criteria to be met; there must be proof a wound was incurred as a result of enemy action, that the wound required treatment by medical personnel, and that the medical personnel made such treatment a matter of official record. The Board did not find documentary evidence that clearly or explicitly shows criteria for award of the Purple Heart. Based on the evidence, the Board determined the applicant does not meet the criteria for award of the Purple Heart.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	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.

8/15/2025

X

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. 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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards:
 - a. The Purple Heart is awarded in the name of the President of the United States to

any member of an Armed Force or any civilian national of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after 5 April 1917, 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 U.S. are or have been engaged
- While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party.
- As the result of an act of any such enemy of opposing Armed Forces
- As the result of an act of any hostile foreign force³.

b. The AGCM is awarded to on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) 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; (4) for the first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5) for the first award only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of the Army Good Conduct Medal as indicated in the Soldier's record: willingly complied with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

3. The Purple Heart was established by General George Washington at Newburgh, NY on 7 August 1782 during the Revolutionary War. It was reestablished by the President of the United States per War Department General Orders Number 3 in 1932. It was awarded in the name of the President of the United States to any member of the Armed Forces or any civilian national of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after 5 April 1917, died or

sustained wounds as a result of hostile action. Effective 19 May 1998, award of the Purple Heart is limited to members of the Armed Forces of the United States.

//NOTHING FOLLOWS//