IN THE CASE OF:

BOARD DATE: 9 December 2014

DOCKET NUMBER: AR20140008168

THE BOARD CONSIDERED THE FOLLOWING EVIDENCE:

1. Application for correction of military records (with supporting documents provided, if any).

2. Military Personnel Records and advisory opinions (if any).

THE APPLICANT'S REQUEST, STATEMENT, AND EVIDENCE:

1. The applicant requests correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Purple Heart.

2. The applicant states he was awarded the Purple Heart.

3. The applicant provides:

* General Orders Number 261
* Purple Heart Certificate

CONSIDERATION OF EVIDENCE:

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 Army Board for Correction of Military Records (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. While it appears the applicant did not file within the time frame provided in the statute of limitations, the ABCMR has elected to conduct a substantive review of this case and, only to the extent relief, if any, is granted, has determined it is in the interest of justice to excuse the applicant's failure to timely file. In all other respects, there are insufficient bases to waive the statute of limitations for timely filing.

2. The applicant was inducted into the Army of the United States on 27 September 1967. He served in the Republic of Vietnam from 28 February 1968 to 22 February 1969 with Company B, 4th Battalion, 39th Infantry Regiment.

3. The applicant provides and his record contains General Orders Number 261, issued by Headquarters, 9th Infantry Division, dated 7 January 1969, which award him the Purple Heart for wounds received in connection with military operations against a hostile force on 23 December 1968.

4. On 16 June 1969, he was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Annual Training). His DD Form 214 shows he was awarded or authorized the:

* National Defense Service Medal
* Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
* Republic of Vietnam Gallantry Cross with Gold Star
* Vietnam Service Medal
* 2 Overseas Service Bars
* Republic of Vietnam Campaign Medal with Device (1960)
* Distinguished Service Cross
* Army Good Conduct Medal
* Air Medal
* Army Commendation Medal

5. Army Regulation 600-8-22 (Military Awards) provides that the Vietnam Service Medal is awarded to all members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. A bronze service star is authorized with this award for each Vietnam campaign a member is credited with participating in. Appendix B shows that during his service in Vietnam, participation credit was awarded for the following four campaigns:

* TET Counteroffensive
* Vietnam Counteroffensive, Phase IV
* Vietnam Counteroffensive, Phase V
* Vietnam Counteroffensive, Phase VI

6. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam. This pamphlet shows 4th Battalion, 39th Infantry Regiment, was cited for award of the:

a. Valorous Unit Award for the period 6 through 12 May 1968 by Department of the Army General Order (DAGO) Number 43, dated 1970;

b. Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation for the period 19 December 1966 through 28 June 1969 by DAGO Number 59, dated 1969; and

c. Republic of Vietnam Gallantry Cross with Palm Unit Citation for the periods 1 December 1966 to 30 June 1968 by DAGO 31, dated 1969; 1 July to

13 November 1968 by DAGO Number 31, dated 1969; and January to June 1969 by DAGO Number 59, dated 1969.

d. Not more than one Republic of Vietnam Gallantry Cross with Palm Unit Citation will be worn by any individual. However, although wear of multiple awards of this unit citation is not authorized, official military personnel and historical records will indicate all awards received.

DISCUSSION AND CONCLUSIONS:

1. General orders awarded him the Purple Heart. Therefore, his DD Form 214 should be corrected to show this award.

2. Records show the applicant participated in four campaigns during his service in the Republic of Vietnam. Therefore, he is entitled to four bronze service stars for wear on his already-awarded Vietnam Service Medal and correction of his DD Form 214 to show these service stars.

3. Department of the Army Pamphlet 672-3 shows his unit was cited for award of the Valorous Unit Award, Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation, and three awards of the Republic of Vietnam Gallantry Cross with Palm Unit Citation. Therefore, his DD Form 214 should be corrected to show these unit citations.

BOARD VOTE:

\_\_\_\_x\_\_\_ \_\_\_\_x\_\_\_ \_\_\_x\_\_\_\_ GRANT FULL RELIEF

\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ GRANT PARTIAL RELIEF

\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ GRANT FORMAL HEARING

\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined that the evidence presented was sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

a. deleting the Vietnam Service Medal from his DD Form 214; and

b. adding the following to his DD Form 214:

* Purple Heart
* Vietnam Service Medal with four bronze service stars
* Valorous Unit Award
* Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
* Republic of Vietnam Gallantry Cross with Palm Unit Citation (3 Awards)

\_\_\_\_\_\_\_\_\_\_\_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.