

PROCEEDINGS

IN THE CASE OF: .

BOARD DATE: 6 May 1999
DOCKET NUMBER: AC96-10905A
AR1999015287

I certify that hereinafter is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in the case of the above-named individual.

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| Mr. Loren G. Harrell | Director |
| Mr. Gerald E. Vandenberg | Analyst |

The following members, a quorum, were present:

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| Mr. Fred N. Eichorn | Chairperson |
| Mr. Ernest W. Lutz, Jr. | Member |
| Ms. Carol Jo Suiter | Member |

The applicant and counsel if any, did not appear before the Board.

The Board considered the following evidence:

Exhibit A - Application for correction of military records
Exhibit B - Military Personnel Records (including advisory opinion, if any)

FINDINGS:

1. The applicant has exhausted or the Board has waived the requirement for exhaustion of all administrative remedies afforded by existing law or regulations.

2. The applicant requests , in effect, reconsideration of his previous application to grant him entitlement to the Purple Heart, the Good Conduct Medal and a third bronze service star. (Note: The Board has not previously considered the applicant's request for the Good Conduct Medal and a third bronze service star.)
3. The applicant states, in effect, that he sustained wounds to his legs following a parachute jump during the Sicilian campaign and that the Board failed to fully review the accomplishments of his unit for consideration of the other medals.
4. The Memorandum of Consideration reflecting the Board's 5 March 1997 review of the applicant's request is incorporated herein by reference as if wholly set forth.
5. The applicant's military records show that he was attached to Company A, 1st Battalion, 504th Parachute Infantry Regiment for the period of May 1943 through July 1945.
6. A health record research project, commonly referred to as the "SGO Files", involved transposing the hospital admission card data from the periods of World War II and the Korean conflict onto magnetic tape. In 1988 the National Research Council made these tape files available to the National Personnel Records Center (NPRC). Copies of entries in the SGO files for the applicant were obtained that show three hospitalizations. The specific references are October 1943, Vincent's infection (trench mouth); October 1944, a disease (diagnosis not found); and November 1944, periostitis (shin splints). All three entries state "no history of prior disease, injury or battle causality". These documents were not of record at the time of the prior review and therefore constitute new evidence requiring Board review.
7. A phone conversation with the US Army Center of Military History indicates that Company A, 1st Battalion, 504th Parachute Infantry Regiment participated in combat parachute jumps during the period the applicant was assigned to it.
8. Unit Citation and Campaign Participation Credit Register, Department of the Army Pamphlet 672-1, lists, in pertinent part's campaigns and unit awards as:

Anzio, Ardennes-Alsace, Central Europe, Rihineland and Sicily with assault landings at Gela, Sicily, Salerno, Anzio, and Nijmegen Arnhem; three Distinguished Unit Citations (now known as the Presidential Unit Citation) and two foreign unit awards (not specified). Additionally the unit has occupation credit for Germany
9. Army Regulation 600-8-22 provides that the Purple Heart is awarded to an individual who is wounded in action against an enemy of the United States, the armed force of a foreign country which is or has been engaged, while serving with a friendly foreign forces against an opposing force even though the U.S. is not

engaged, as the result of any act of such enemy or opposing force or as a result an act of any hostile force. AR 672-5-1, paragraph 2-15.1, provides, in pertinent part, that the wound must have required treatment by a medical officer, and the medical treatment must have been made a matter of official record.

10. Included as part of the Department of Defense Appropriations Act for fiscal year 1994 was an amendment to the rules governing award of the Purple Heart. While the original rules established that the Purple Heart would be awarded to individual's killed or wounded as a result of hostile action the amendment enabled the Secretaries of each department to award the Purple Heart to members of the armed forces who were killed or wounded in action by weapon fire, while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States. This ruling, in effect, granted the service Secretaries the authority to award the Purple Heart to individuals directly engaged in armed conflict who were killed or wounded as a result of "friendly fire."

11. Army Regulation 600-8-22 provides that the Good Conduct Medal (GCM) is awarded to individuals who distinguish themselves by their conduct, efficiency and fidelity during a qualifying period of active duty enlisted service. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of Federal military service.

CONCLUSIONS:

1. As the applicant's total period of service was approximately three years, four months which entitles him to only one Good Conduct Medal (GCM). His discharge certificate already shows receipt of the GCM.
2. The available evidence, including the SGO files search, fails to show that the applicant was wounded or injured as a result of enemy action. Therefore, entitlement to the Purple Heart can not be established.
3. The applicant participated in five recognized campaigns, therefore, he is entitled to a silver service star to be worn on the European-African-Middle Eastern Campaign Medal (EAMECM).
4. It is reasonable to assume that the applicant participated in combat parachute jumps with his unit and is therefore entitled to the arrowhead device on his campaign medal.
5. The applicant is entitled to the Army Occupation Medal with Germany clasp.
6. The applicant is entitled to wear the Presidential Unit Citation with two bronze oak leaf clusters.

7. In view of the foregoing, the applicant's records should be corrected as recommended below.

RECOMMENDATION:

1. That all of the Department of the Army records related to this case be corrected by showing that the individual concerned is entitled to the award of the Distinguished Unit Citation with two bronze oak leaf clusters, the Army Occupation Medal with Germany clasp, the European-African-Middle Eastern Campaign Medal with a silver service star and arrowhead.

2. That so much of the application as is in excess of the foregoing be denied

BOARD VOTE:

 FNE EWL CJS GRANT AS STATED IN RECOMMENDATION

 GRANT FORMAL HEARING

 DENY APPLICATION

 Fred N. Eichorn
CHAIRPERSON

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| TYPE OF DISCHARGE | (HD, GD, UOTHC, UD, BCD, DD) |
| DATE OF DISCHARGE | YYYYMMDD |
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