

ADDENDUM TO  
RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

JAN 05 1999

IN THE MATTER OF:

DOCKET NUMBER: 96-00978

COUNSEL: None

HEARING DESIRED: No

---

RESUME OF CASE:

On 13 February 1997, the Board considered and denied applicant's request to have his records reflect POW status. The applicant's aircraft had been forced down over Yugoslavia while on a mission from Germany on 19 November 1951. He was interned in Hungary, interrogated, and returned to US military control on 28 December 1951. The applicant retired in 1968 in the grade of lieutenant colonel. In his appeal, he contended the VA would not provide medical treatment because he was not on the POW list.

A copy of the Record of Proceedings, with Exhibits, is at Exhibit F.

In an undated cover note, Representative Solomon forwarded applicant's 14 June 1998 letter, which includes a copy of a 1952 Life magazine interview, and requested reconsideration for his constituent.

A copy of the Representative's letter, with attachments, is at Exhibit H.

---

THE BOARD CONCLUDES THAT:

Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After careful consideration, we are persuaded that the circumstances of this particular case warrant awarding the applicant POW status for the period from 19 November 1951, when his aircraft was forced down, to 28 December 1951, when he was returned to US military control. We therefore recommend his records be corrected as indicated below.

---

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that he was a Prisoner of War from 19 November 1951 to 28 December 1951.

---

The following members of the Board considered this application in Executive Session on 11 November 1998, under the provisions of AFI 36-2603:

Mr. Michael P. Higgins, Panel Chair  
Mr. Loren S. Perlstein, Member  
Mr. William E. Edwards, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

Exhibit F. Record of Proceedings, dated 4 Apr 97, w/atchs.  
Exhibit G. Representative's Letter, undated, w/atchs.

  
MICHAEL P. HIGGINS  
Panel Chair



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

JAN 05 1999


Office of the Assistant Secretary

AFBCMR 96-00978

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that he was a Prisoner of War from 19 November [REDACTED]

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

APR -4 '97

IN THE MATTER OF:

DOCKET NUMBER: 96-00978

COUNSEL: None

HEARING DESIRED: No

---

APPLICANT REQUESTS THAT:

His DD Form 214 be annotated to reflect that he was a Prisoner of War (POW) from 19 November to 29 December 1951.

---

APPLICANT CONTENDS THAT:

The C-47 aircraft in which he was the co-pilot was forced down by Russian MIGs. The airplane landed at a Russian Air Force Base in Hungary. He was interrogated by Russians and kept in solitary confinement. He says the Veterans Administration (VA) will not provide medical treatment because he is not on the POW list.

In support of his contentions, the applicant provides orders moving him to Germany and back to the United States for the time frame in question, and copies of telegrams advising his parents of his missing status and his release from Hungarian authorities to US military control. He also provides a letter from the VA advising him of expanded benefits accorded to former POWs.

Applicant's complete submission is attached at Exhibit A.

---

STATEMENT OF FACTS:

By Special Orders Number 149, dated 11 July 1949, applicant was ordered to Erding Air Force Depot, Germany. On 19 November 1951, while co-piloting a C-47 aircraft from Erding, Germany, to Belgrade, Yugoslavia, applicant and three other crew members were forced down. The AFHQ Form 0-529 (Casualty Report) dated 2 January 1952, confirms that applicant was missing on 19 November 1951, was interned in Hungary on 4 December 1951, and was returned to US military control on 28 December 1951. By Special Orders Number 190, dated 29 December 1951, applicant was ordered back to the US.

He retired in the grade of lieutenant colonel on 1 September 1968. He served a total of 27 years, 10 months and 28 days in the military services.

---

F

AIR FORCE EVALUATION:

The Missing Persons Branch, AFPC/DPWCM, reviewed this application and provides the criteria for determining POW status as outlined in Title 38, USC, Section 101(32). They recommend denial because the applicant was not interned during a period of war and there is no documentation that he was mistreated during his internment.

A complete copy of the Air Force evaluation is at Exhibit C.

---

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the evaluation and responded that Russian MIGs fired tracer rounds across the nose of the C-47 aircraft. After landing, the crew was immediately taken into custody and separated. He was interrogated night and day by Russian officers in uniform, then turned over to the Hungarians and interrogated again. He was held in solitary confinement for 40 days. He calls this mistreatment and wonders if the Air Force is so young it is not familiar with the term "Cold War." He

Applicant's complete rebuttal is attached at Exhibit E.

---

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After a thorough review of the evidence of record and applicant's submission, we are not persuaded that his DD Form 214 should reflect POW status from 19 November to 29 December 1951. Applicant's contentions are duly noted. However, we do not find these assertions, in and by themselves, sufficiently persuasive to override the rationale provided by the Air Force. We therefore agree with the recommendations of the Air Force and adopt the rationale expressed as the basis for our decision that the applicant has failed to sustain his burden that he has suffered either an error or an injustice. compelling basis to recommend granting the relief sought. Therefore, we find no

---

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal

appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

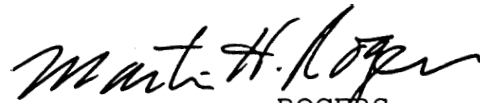
---

The following members of the Board considered this application in Executive Session on 13 February 1997, under the provisions of AFI 36-2603:

Mr. Martin H. Rogers, Panel Chairman  
Mr. William E. Edwards Member  
Mr. Michael P. Higgins, Member  
Ms. D. E. Hankey, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A'. DD Form 149, dated 6 Apr 96, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFPC/DPWCM, dated 7 May 96.
- Exhibit D. Letter, AFBCMR, dated 20 May 96.
- Exhibit E. Letter, Applicant, dated 14 Jun 96, w/atch.



Panel Chairman