

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

SEP 14 1998

IN THE MATTER OF:

DOCKET NUMBER: 96-03401

COUNSEL: None

HEARING DESIRED: No

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RESUME OF CASE:

On 4 February 1998, the Board reconsidered applicant's request that he be awarded the Purple Heart (PH). The Board found insufficient evidence of an error or injustice and denied the application. A complete copy of the Record of Proceedings is attached at Exhibit F.

In a letter, dated 1 December 1997, the State of [REDACTED] Department of Veterans Affairs, provided additional documentation and requested reconsideration of the applicant's request for award of the PH (Exhibit G).

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THE BOARD CONCLUDES THAT:

Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. It is uncontested that the applicant's aircraft was shot down while on a bombing mission over [REDACTED]. As such, the only issue before this Board is whether or not the applicant's injury was the direct result of enemy action. After thoroughly reviewing the additional documentation submitted by applicant, a majority of the Board believes the applicant has provided sufficient evidence to indicate that he sustained his injuries when his aircraft was shot down. Although statements from eyewitnesses would be helpful in deciding this case, in view of the applicant's personal statements and noting the Wartime Log he has provided, a majority of the Board believes it would be unjust to deny his request. Therefore, we recommend his records be corrected to the extent indicated.

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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 awarded

the Purple Heart for injuries sustained during a bombing mission on 9 August 1944 over Hungary.

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The following members of the Board considered this application in Executive Session on 16 July 1998, under the provisions of AFI 36-2603:

Mr. David C. Van Gasbeck, Panel Chair  
Mr. Michael P. Higgins, Member  
Mr. Vaughn E. Schlunz, Member  
Mr. Phillip E. Horton, Examiner (without vote)

A majority of the Board voted to correct the records, as recommended. Mr. Higgins voted to deny applicant's request for reconsideration. The following documentary evidence was considered:

- Exhibit H. Addendum to Record of Proceedings..  
dated 10 Mar 98, w/atchs.
- Exhibit I. Letter, Alabama DVA, dated 1 Dec 97, w/atchs.

  
DAVID C. VAN GASBECK  
Panel Chair



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, D. C.

SEP 14 1998

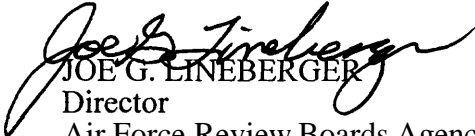
Office of the Assistant Secretary

AFBCMR 96-03401

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 awarded the Purple Heart for injuries sustained during a bombing mission on 9 August 1944 over [REDACTED]

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency

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

IN THE MATTER OF:

DOCKET NUMBER: 96-03401

COUNSEL: None

MAR 10 1998

HEARING DESIRED: No

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RESUME OF CASE:

In an application, dated 13 January 1994, the applicant requested award of the Purple Heart (PH) and the Good Conduct Medal (GCM).

On 22 May 1997, the Board considered his requests in Executive Session and found insufficient evidence of an error or injustice and denied the application. A complete copy of the Record of Proceedings is attached at Exhibit F.

In a letter, dated 25 June 1997, the State of [REDACTED] Department of Veterans Affairs, requested reconsideration of the applicant's request for award of the PH (Exhibit G).

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THE BOARD CONCLUDES THAT:

Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After thoroughly reviewing the evidence of record and the additional documentation submitted in behalf of the applicant, we are still not persuaded the applicant should be awarded the PH. Although documentation available indicates the applicant's aircraft was shot down while on a bombing mission over [REDACTED], there is insufficient evidence that his injury was the direct result of enemy action. We note that indirect injuries, such as those received during a forced bail-out, do not meet the criteria for award of the PH. Based on the evidence of record, we do not believe the applicant has established that he meets the criteria for award of the PH. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

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THE BOARD DETERMINES THAT:

The applicant be notified that the additional 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.

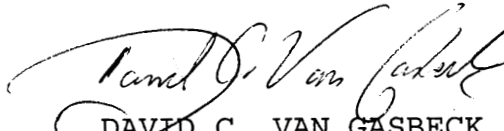
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The following members of the Board considered this application in Executive Session on 4 February 1998, under the provisions of AFI 36-2603:

Mr. David C. Van Gasbeck, Panel Chair  
Mr. Michael P. Higgins, Member  
Ms. Sophie A. Clark, Member  
Mr. Phillip E. Horton, Examiner (without vote)

The following documentary evidence was considered:

Exhibit F. Record of Proceedings, dated 2 Jun 97, w/atchs.  
Exhibit G. Letter, Alabama Dept of Veterans Affairs, dated 25 Jun 97.

  
DAVID C. VAN GASBECK  
Panel Chair

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RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 96-03401

COUNSEL: None

HEARING DESIRED: No

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APPLICANT REQUESTS THAT:

He be awarded the Purple Heart (PH) and the Good Conduct Medal (GCM).

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APPLICANT CONTENDS THAT:

He should be awarded the PH since he was injured when his aircraft was shot down on 9 August 1944 and he was captured.

The applicant states that he received a severe head wound as a result of the crash and received medical treatment when he was captured.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

On 15 May 1942, the applicant enlisted in Army Air Corps.

On 28 July 1943, the applicant was commissioned a second lieutenant in the Army Air Corps and entered active duty.

On 6 March 1944, the applicant was assigned to the Bomb Group, as a B-24 pilot, in the Theater of Operation.

On 9 August 1944, the applicant was interned as a Prisoner-of-War.

The applicant was repatriated to US control on 29 April 1945.

On 22 October 1945, the applicant was relieved from active duty in the grade of first lieutenant. He completed 2 years, 2 months and 24 days of active service, and received 4 Air Medals.

Examiner's Note:

The Good Conduct Medal (GCM) is awarded to enlisted personnel upon completion of three years of service. Since the applicant was an officer, he was not entitled to the GCM.

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AIR FORCE EVALUATION:

The Recognition Programs Branch, AFPC/DPPRA, reviewed this application and notes that the Purple Heart (PH) is awarded for wounds received as a direct result of enemy action (i.e., gunshot or shrapnel wounds, hand-to-hand combat wounds, or forced aircraft bail out injuries). They state that there is no official or medical documentation indicating that the applicant's injuries were a direct result of enemy action. Therefore, they recommend denial of his request.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluation and states that the Air Force recommends denial of his request because there is no medical or official records showing he sustained his injuries; however, there are official military records showing the bombing mission, the fact that the plane was shot down, and that some of the crew were listed as Missing-in-Action (MIA), and some as Killed-in-Action (KIA).

Applicant's complete response is attached at Exhibit E.

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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 thoroughly reviewing the evidence of record and noting the applicant's contentions, we are not persuaded that he has been the victim of an error or injustice. The personal sacrifice the applicant has endured for his country is noted and our decision should in no way lessens his service; however, there is no

documentation indicating that his injuries were a direct result of enemy action. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

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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.

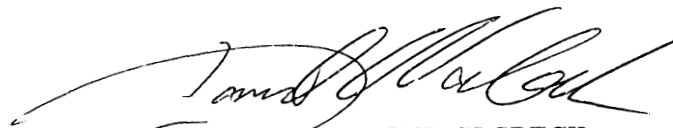
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The following members of the Board considered this application in Executive Session on 22 May 1997, under the provisions of AFI 36-2603:

Mr. David C. Van Gasbeck, Panel Chairman  
Mr. Michael P. Higgins, Member  
Ms. Sophie Clark, Member  
Mr. Phillip E. Horton, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 13 Jan 94, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPRA, dated 11 Mar 97.
- Exhibit D. Letter, AFBCMR, dated 24 Mar 97.
- Exhibit E. Letter, Dept of Veterans Affairs, dated 1 Apr 97.



DAVID C. VAN GASBECK  
Panel Chairman