

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FEB 12 1999

IN THE MATTER OF:

DOCKET NUMBER: 98-01321

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be awarded the Purple Heart (PH) .

APPLICANT CONTENDS THAT:

He should be awarded the PH based on wounds he received when his aircraft was hit by enemy flak while on a bombing mission to Berlin, Germany, during World War II.

The applicant states there were two reasons why he did not go the base hospital. The first, he was a 19 year old seasoned combat veteran who was pretty tough. Second, one of the squadron crewman incurred a serious leg wound or had his leg blown off and bled to death before returning to base. He knows he would have been awarded the PH posthumously and did not feel at that time, that he should be awarded the same medal for a much lesser wound.

In support of the appeal, applicant submits statements from former crew members indicating the applicant was wounded by plexiglass shreds when enemy flak hit the nose of their B-17.

The applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

On 3 February 1945, while serving as an aircrew member aboard a B-17, on a bombing mission over Berlin, Germany, the applicant's aircraft was hit by enemy flak.

On 6 July 1998, a similar request was considered by the Purple Heart Review Board (PHRB); however, the PHRB determined there were no medical documents supporting his claim, and denied his request.

The PH is awarded for wounds received as a direct result of enemy actions (i.e., gunshot or shrapnel wounds, hand-to-hand combat wounds, forced aircraft bail out injuries, etc.). A recent change now extends the eligibility for award of the PH to former

prisoners of war (POW) that were held prior to 25 April 1962 and suffered wounds or injuries at the hands of their captors. In addition, it is necessary that the wound have required or received treatment by medical personnel. Indirect injuries do not meet the criteria for award of the PH. These include, but are not limited to, injuries received while seeking shelter from mortar or rocket attacks, aircraft bombings, grenades, and injuries incurred while serving as an aircrew member or in a passenger status as a result of the aircraft's evasive measures against hostile fire.

AIR FORCE EVALUATION:

The Recognitions Programs Branch, AFPC/DPPPPRA, reviewed this application and states that to be awarded the PH, a member must provide documentation to support that he was wounded as a direct result of enemy action and must have received medical treatment by medical personnel. Therefore, they recommend denial of the applicant's request.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was provided to the applicant on 20 July 1998 for review and response within 30 days. The applicant was provided an extension of time up to, and including 30 October 1998; however, as of this date, no response has been received by this office.

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. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. A majority of the Board is persuaded that the applicant should be awarded the PH. A similar request was considered and denied by the PHRB on the basis that there was no medical documents supporting the applicant's claim. The applicant's former aircrew members have provided statements indicating that the applicant was wounded when their aircraft was hit by enemy flak and that they provided the applicant medical treatment. A majority of the Board notes that although the applicant did not receive medical treatment from medical personnel, he did receive treatment from

fellow aircrew member's who were trained in emergency first aid procedures. In view of this, a majority of the Board believes the applicant has fulfilled the requirement to provide documentation that his wounds received medical treatment. Therefore, a majority of the Board recommends the applicant be awarded the PH.

THE BOARD RECOMMENDS THAT:

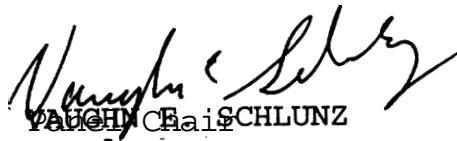
The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that he was awarded the Purple Heart for injuries sustained during a bombing mission over Berlin, Germany on 3 February 1945.

The following members of the Board considered this application in Executive Session on 17 December 1998, under the provisions of AFI 36-2603:

Mr. Vaughn E. Schlunz, Panel Chair
Mr. Edward C. Koenig, 111, Member
Mr. Kenneth L. Reinertson, Member
Mr. Phillip E. Horton, Examiner (without vote)

By a majority vote, the Board recommended the applicant's records be corrected, as recommended. Mr. Koenig voted to deny the application and has submitted a minority report which is attached at Exhibit F. The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 18 Mar 98, w/atchs.
Exhibit B. Applicant's Master Personnel Records.
Exhibit C. Letter, AFPC/DPPRA, dated 8 Jul 98.
Exhibit D. Letter, AFBCMR, dated 20 Jul 98.
Exhibit E. Letter, Applicant, dated 6 Aug 98.
Exhibit F. Minority Report.


VAUGHN E. SCHLUNZ
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, D. C.

FEB 12 1999

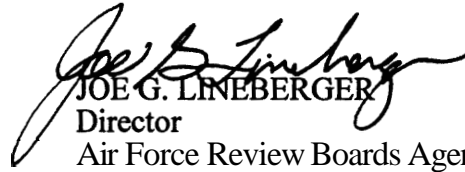
Office of the Assistant Secretary

AFBCMR 98-01321

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 mission over Berlin, Germany on 3 February 1945.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency