RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2008-02450

INDEX CODE: 107.00

XXXXXXXXXXXXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

He be awarded the Distinguished Flying Cross (DFC).

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APPLICANT CONTENDS THAT:

He should have been awarded the DFC as he received a citation for displaying heroism and outstanding skill which contributed singularly to the success of his group while serving as a B-26 flight leader and formation commander.

In support of his appeal, he has provided copies of his WD AGO Form 53-98, *Military Record and Report of Separation Certificate of Service*; and HQ 42nd Wing, GO-6, CITATION OF OFFICER, dated 14 December 1943.

Applicant’s complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant’s master personnel records were apparently destroyed by fire at the National Personnel Records Center (NPRC) in July 1973. Documents furnished by the applicant indicate that he is a former member of the U.S. Army Air Corps, and served as a B-26 pilot from 23 September 1942, until being released from active duty in the grade of captain (O-3) on 4 September 1945. During this period, he served in theater from 5 October 1942 through 18 October 1943, was credited with North African, Sicily, and Italy Campaigns, and was awarded the European-African-Middle Eastern Theater Medal with 3 Bronze Stars, and the Air Medal with 7 Oak Leaf Clusters.

The CITATION OF OFFICER citation furnished by the applicant states that he displayed heroism and outstanding professional skill as the pilot of a B-26 aircraft, which contributed singularly to the success of his group as both a flight leader and formation commander. While leading a mission over Sicily on 15 June 1943, his aircraft was damaged by anti-aircraft fire. Despite this, he kept the aircraft under control, led the formation through evasive action, and completed the bombing mission. Shortly thereafter, 12 enemy fighters attacked the unescorted bombers, but the applicant adroitly outmaneuvered them and five of the hostile aircraft were destroyed.

The DFC is awarded for heroism or achievement while participating in aerial flight, to include the ability to complete the mission under extremely hazardous conditions, and distinctive heroism or achievement involving non-routine operations. It is not awarded for sustained operational activities and flights.

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AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial based on there being no documentation in the limited reconstructed military record to substantiate award of the DFC (the WD AGO Form 53-98 does not reflect the DFC in Box 29), and the applicant did not submit a copy of a special order or recommendation for the DFC. Although the applicant submitted a CITATION OF OFFICER document, dated 14 December 1943, this document does not indicate what decoration the citation is for.

The AFPC/DPSIDR evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the evaluation was forwarded to the applicant on 1 August 2008, for review and comment, within 30 days. However, as of this date, no response has been received by this office.

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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.  Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice to warrant awarding the applicant the DFC for heroism. Although the applicant’s reconstructed records do not contain a copy of a special order or recommendation for the DFC, the Board feels that the events which precipitated the CITATION OF OFFICER document furnished by the applicant rise to the level necessary for award of the DFC for heroism. In view of the above, the Board recommends that his records be corrected to the extent indicated below.

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THE BOARD RECOMMENDSTHAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that he was awarded the Distinguished Flying Cross (DFC) for heroism while participating in aerial flight as both a flight leader and formation commander at or near the BO Rizzo Airdrome, Sicily, on 15 June 1943.

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The following members of the Board considered Docket Number BC-2008-02450 in Executive Session on 7 October 2008, under the provisions of AFI 36-2603:

Mr. Joseph D. Yount, Panel Chair

Ms. Barbara J. Barger, Member

Ms. Mary Jane Mitchell, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 21 Jun 08, w/atchs.

Exhibit B. Letter, NPRC, dated 6 Jun 08.

Exhibit C. Letter, AFPC/DPSIDR, dated 23 Jul 08

Exhibit D. Letter, SAF/MRBR, dated 1 Aug 08.

JOSEPH D. YOUNT

Panel Chair

AFBCMR 2008-02450

MEMORANDUM FOR THE CHIEF OF STAFF

Under the authority of Section 1552, Title 10, United States Code and Air Force Instruction 36-2603, and having assured compliance with the provisions of the above regulation, the decision of the Air Force Board for Correction of Military Records is announced, and it is directed that:

The pertinent military records of the Department of the Air Force relating to XXXXXXXXXXXXXXXXXXX, be corrected to show that he was awarded the Distinguished Flying Cross (DFC) for heroism while participating in aerial flight as both a flight leader and formation commander at or near the BO Rizzo Airdrome, Sicily, on 15 June 1943.

JOE G. LINEBERGER

Director

Air Force Review Boards Agency