RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-01419

 XXXXXXX COUNSEL: NONE

 HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His record be corrected to reflect his entitlement to the Purple Heart (PH) Medal for wounds he received during the bombing of Pearl Harbor.

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APPLICANT CONTENDS THAT:

He was stationed at Wheeler Army Airfield, HI when the bombs hit. The concussion sent him flying through the air, landing him on a stairway. As a result of the blast, he was unable to hear. He went to the hospital to seek treatment, but it was crowded. He continued to serve, having been sent to the New Hebrides islands, but the bleeding from his ears persisted. He subsequently received medical treatment on a hospital ship enroute to the Continental United States (CONUS). He was admitted to Deshon General Hospital, PA where he underwent treatment, but was eventually discharged due to being deaf in both ears.

In support of his request, the applicant provides excerpts from his military personnel records, which include copies of his enlistment record, honorable discharge certificate, and rosters related to his assignment at Wheeler Army Airfield, HI, and his subsequent hospitalization.

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

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STATEMENT OF FACTS:

The applicant's military personnel records were destroyed by fire in 1973. Therefore, the facts surrounding the matter under review cannot be verified. According to information provided by the applicant, he enlisted in the Army Air Corps on 27 Nov 40, and was progressively promoted to the grade of corporal (E-4).

On 30 Jan 41, the applicant arrived in the Asia Pacific Theater on where he was stationed at Wheeler Army Airfield, HI during the matter under review.

On 11 Jun 43, he returned to the CONUS. According to information compiled by the Office of the Surgeon General, Department of the Army, he was hospitalized in Aug 43 for conditions related to deafness and disease of the ear.

On 1 Feb 44, he was honorably discharged from the Army Air Corps at Deshon General Hospital, Butler, PA and was credited with three years, two months, and five days of total active service. The authority cited for his discharge in the information compiled by the Office of the Surgeon General was Army Regulation 615-360, *Enlisted Men – Discharge; Release from Active Duty*, Section II, *Disability*.

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AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial, indicating there is no evidence of an error or injustice. The PH Medal is awarded for wounds received as a direct result of enemy actions (e.g. gunshot or shrapnel wounds, hand-to-hand combat wounds, forced aircraft bailout injuries, etc.). Indirect injuries such as those received while seeking shelter from mortar or rocket attacks, aircraft bombings, or grenades do not meet the criteria for award of the PH Medal. In addition, it is necessary that an individual with a qualifying injury receive, or should have received, treatment by medical personnel. Unfortunately, the applicant’s submission lacks a detailed personal account of how and exactly when he was injured, medical documentation substantiating that he received or should have received medical treatment, or an eyewitness account necessary to make a reasonable determination of his entitlement to the PH Medal.

A complete copy of the AFPC/DPSIDR evaluation is at Exhibit D.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to applicant on 19 Nov 10 for review and comment within 30 days. As of this date, no response has been received by this office (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.  Sufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. The applicant contends he was injured during the attack on Pearl Harbor and is therefore entitled to award of the Purple Heart (PH) Medal. After a thorough review of the available evidence, a majority of the Board is persuaded he is entitled to the PH Medal. The majority notes the comments by AFPC/DPSIDR indicating the applicant’s submission lacks any medical documentation indicating that he received or should have received medical treatment, a detailed personal account, or an eyewitness account. Nonetheless, after careful review of the available records and the applicant’s complete submission, the majority believes a preponderance of the evidence supports his entitlement to the requested relief. In this respect, the majority notes the applicant was stationed at Wheeler Army Airfield when it sustained heavy casualties during the attacks on Pearl Harbor. Additionally, the evidence of record indicates that he was eventually subjected to a lengthy hospitalization and subsequent disability discharge for his reported injuries. While the loss of his records to the fire at NPRC makes it impossible to determine with certainty when and where he was initially diagnosed with his disabling condition, we find it reasonable he may have been unable to obtain prompt medical care for his reported injuries in the aftermath of the attack while medical personnel attended to more seriously wounded personnel on that fateful day. Therefore, having no reason to question the integrity of this 89 year-old World War II veteran, and to preclude any further injustice, the majority recommends his records be corrected as indicated below.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to the APPLICANT be corrected to show that he was awarded the Purple Heart (PH) Medal for injuries he sustained on December 7, 1941.

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The following members of the Board considered AFBCMR Docket Number BC-2010-01419 in Executive Session on 11 Jan 11, under the provisions of AFI 36-2603:

 Mr. XXXXXXXXXX, Panel Chair

 Ms. XXXXXXXXXX, Member

 Ms. XXXXXXXXXX, Member

By a majority vote, the Board voted to recommend granting the requested relief. Mr. Russell voted to deny the application and has submitted a minority report, which is attached at Exhibit E. The following documentary evidence pertaining to AFBCMR Docket Number BC-2010-01419 was considered:

 Exhibit A.  DD Form 149, dated 28 Sep 09, w/atch.

 Exhibit B.  Applicant's Available Personnel Records.

 Exhibit C.  Letter, AFPC/DPSIDR, dated 1 Nov 10.

 Exhibit D.  Letter, SAF/MRBR, dated 19 Nov 10.

 Exhibit E.  Minority Report.

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 Panel Chair