

[REDACTED]

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

OCT 20 2011

IN THE MATTER OF:

DOCKET NUMBER: BC-2011-01501

[REDACTED] COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His records be corrected to reflect he was awarded the Purple Heart (PH) Medal.

APPLICANT CONTENDS THAT:

He is entitled to the award of the Purple Heart for wounds sustained as a result of a hostile act of the enemy. He was enlisted in the Army as a radio operator/waist gunner with the 460th Bomb Group and 760th Bomb Squadron from 4 October 1944 to 17 November 1944.

He is a confirmed Prisoner of War (POW). He was held in Stalag Luft IV. While held as a POW, he was forced to march in light snowfall and freezing temperatures. The trip resulted in frostbite to his extremities. They were finally liberated by the British and Canadians.

He was relieved from active duty on 18 September 1969 and retired as a Chief Warrant Officer 4 from the Utah National Guard on 12 July 1984.

In support of his appeal, the applicant submits a personal statement, documents from his master personnel record, copies of the PH governing regulations, medical documentation and his Department of Veterans Affairs rating decision.

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

STATEMENT OF FACTS:

The applicant's military personnel records were destroyed by fire in 1973. Therefore, the facts surrounding his service cannot be verified. Data extracted from his reconstructed records reflects, for the period in question, he served on active duty from 1 June 1943 to 6 October 1945.

[REDACTED]

[REDACTED]

In accordance with Army Regulation (AR) 600-45, *Decorations*, dated 22 September 1943, during the period in question, the PH was awarded for wounds received in action against an enemy of the United States, or as a direct result of an act of such enemy, provided such wound necessitated treatment by a medical officer. For the purpose of awarding the PH, a wound was defined as an injury to any part of the body from an outside force, element, or agent, sustained as the result of a hostile act of the enemy, or while in action in the face of the enemy. When a person eligible for award of the PH was treated for a wound, the commanding officer of the hospital, or the medical officer who treated the wound, furnished the commanding officer of the wounded person a certificate briefly describing the nature of the wound, and certifying the necessity of treatment. In addition, a wounded soldier's unsupported statement could be accepted in unusual or extenuating circumstances when, in the opinion of the officer making the award, no corroborative evidence was obtainable. However, the statement would be substantiated if possible.

AIR FORCE EVALUATION:

AFPC/DPSIDRA recommends denial. DPSIDRA verified the applicant's entitlement to the POW Medal, the American Campaign Medal, four Bronze Service Stars to his previously awarded European-African-Middle Eastern Campaign Medal and the World War II Victory Medal. These awards will be updated by the appropriate office.

They were not able to verify the applicant's entitlement to the PH. DPSIADRA states the Air Force uses the same references as Army Regulation 600-8-22. This regulation lists examples of injuries or wounds that do not justify the award of the PH: frostbite or trench foot injuries are listed as such.

The complete DPSIDRA evaluation is at Exhibit C.

APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 5 August 2011, for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
- [REDACTED]

[REDACTED]

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 error or injustice. We took notice of the applicant's complete submission and the available evidence of record in judging the merits of the case. However, we are not persuaded based upon the evidence presented of his entitlement to award of the Purple Heart. In the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and 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 Docket Number BC-2011-01501 in Executive Session on 12 October 2011, under the provisions of AFI 36-2603:

- [REDACTED], Panel Chair
- [REDACTED], Member
- [REDACTED], Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 22 Apr 11, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIDRA, dated 25 Jul 11.
- Exhibit D. Letter, SAF/MRBR, dated 5 Aug 11.

[REDACTED]

Panel Chair

[REDACTED]