

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2011-04220
COUNSEL: NONE
HEARING DESIRED: NOT INDICATED

APPLICANT REQUESTS THAT:

He be entitled to the Purple Heart (PH) for injuries he received in an automobile accident while on temporary duty (TDY) in Feb 1951.

APPLICANT CONTENDS THAT:

In the course of applying for Department of Veterans Affairs (DVA) benefits, his service number was not found in the DVA records at St. Louis. His dates of service were from Dec 1950 to Oct 1951.

He has glaucoma in both eyes. Entitlement of the PH would enable him to receive DVA benefits.

While in the service he invented "aeroplast," a sprayable plastic surgical dressing for wounds and burns that was published in the U.S. Armed Forces Medical Journal as a lead article. In this article he was identified as a "captain" in the Air Force.

During a TDY he was injured in an automobile accident on the last day of Mardi Gras in 1950 while returning to his duty location. He was hospitalized for two days where a Air Force contracted surgeon operated on his right thigh to close a deep laceration that extended to the femur. Since this injury occurred during a TDY, he was entitled to a PH, which he never received.

Unfortunately the hospital no longer exists, but he is sure the highway patrol has a record of the accident.

He wrote the DVA but they do not have a record of his injury.

He does not know if the driver of the vehicle involved in the crash is still alive. His last known address was the city zoo.

In support of his request, the applicant provides a personal statement, copies of electronic communiqués, numerous letters of

support, an American Medical Association article, and other items in support of his request.

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

STATEMENT OF FACTS:

The PH is awarded to members of the U.S. Armed Forces who have been wounded, killed or who have died or may hereafter die of wounds received in action against an enemy of the U.S. or opposing force as a result of an act of any such enemy or opposing armed force, an international terrorist attack or during military operations while serving as part of a peacekeeping force. A wound for which the award is made must have required treatment, not merely examination, by a medical officer. Additionally, treatment of the wound shall be documented in the member's medical and/or health record. Award of the PH may be made for wounds treated by a medical professional other than a medical officer, provided a medical officer includes a statement in the member's medical record that the extent of the wounds were such that they would have required treatment by a medical officer if one had been available to treat them.

AIR FORCE EVALUATION:

HQ AFPC/DPSIDR recommends denial. DPSIDR states there was no medical documentation provided or located in the applicant's military personnel record verifying that he ever received wounds as a direct result of enemy actions.

The complete DPSIDR evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 30 May 2012, a copy of the Air Force evaluation was forwarded to the applicant for review and comment within 30 days. To date, a response has not been received (Exhibit C).

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 error or injustice. After thoroughly reviewing the evidence of record and the applicant's contentions, we are not persuaded the requested relief should be granted. The applicant's personal sacrifice and unselfish service to his country is noted and our decision in no way lessens our regard for his service; however, without documentation to substantiate his injury was the direct result of enemy action, we are unable to verify his entitlement to the Purple Heart. Therefore, in the absence of evidence to the contrary, we agree with the opinion of the Air Force office of primary responsibility and find no basis to recommend granting the relief sought in this application.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of 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.

The following members of the Board considered AFBCMR Docket Number BC-2011-04220 in Executive Session on 18 Jul 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered in AFBCMR BC-2011-04220:

- Exhibit A. DD Form 149, dated 21 Oct 2011, w/atchs.
- Exhibit B. Letter, HQ AFPC/DPSIDRA, dated 11 May 2012.
- Exhibit C. Letter, SAF/MRBR, dated 30 May 2012.

Panel Chair