

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2011-04989

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 believes he should have been awarded the Purple Heart for an injury he received during combat activity on 20 June 1969, while stationed at 3<sup>rd</sup> TAC Fighter Wing Bien Hoa Air Base, Vietnam. He was seeking cover during a rocket attack and injured his knee. He believes someone just did not do their job regarding the award of this medal. He recently learned that he is eligible for the award due to his combat injury.

In support of his appeal, the applicant submits a supporting statement, copies of his service medical records, copies of medical records from the Department of Veteran's Affairs (DVA) and other supporting documentation.

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

---

STATEMENT OF FACTS:

The applicant is a former member of the Regular Air Force and was honorably discharged on 12 July 1978.

In accordance with AFM 900-3, during the period in question, the Purple Heart (PH) was awarded for wounds received in action against an enemy, or as a direct result of an act of any enemy, opposing armed force, or hostile foreign force. For the purpose of considering award of the PH, a wound was defined as an injury to any part of the body from an outside force or agent. A physical lesion was not required, provided the concussion or other form of injury received was due to direct enemy, opposing armed force, or hostile foreign force action.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the Air Force office of primary responsibility which can be found at Exhibit C.

---

AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial. The applicant was injured on 20 June 1969, when he fell into a ditch attempting to find shelter during a rocket attack on Bien Hoa Air Base. A review of his medical record reveals he injured both knees while broad jumping in junior high school. The applicant states his knee injury as well as his shoulder and back injury precluded him from entering the service for several years. Subsequent to the incident, the applicant underwent surgery on his left knee in 1977 after he injured his knee while lifting an object from a car.

The applicant has provided documentation showing he received medical attention shortly after he sustained an injury in Vietnam. However, there is nothing in his record to indicate his injury was a direct result of action involving an opposing armed force. The account of the incident only mentions the applicant slipped as he was attempting to enter a bunker during a rocket attack which resulted in injury to his knee. The medical record verified he had a history of accidents involving his left knee that occurred both prior and subsequent to the injury at Bien Hoa Air Base in 1969.

They were unable to locate medical documentation to support the applicant's claim that his injury was the result of action involving an opposing armed force.

The complete DPSIDRA evaluation is at Exhibit C.

---

APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

The applicant states the argument made by the Air Force advisory writer regarding his knee injuries prior to his service has no bearing on the fact he sustained injuries in Vietnam. His preexisting injuries did not keep the draft from approving him for military service and did not keep him from passing every physical fitness test and meeting all the fitness requirements during his service.

The injuries to his knees during the rocket attack in Vietnam resulted in military doctors placing him on a medical profile that kept him from performing duties that affected his knees. That was a direct result of his injuries during the rocket attack.

He agrees with the Air Force advisory on two things: The injury must have been a direct result of an act of an enemy of the United States. The rocket attack in Vietnam serves to satisfy that requirement. Secondly, the injury must have required treatment, not just an examination. The medical record submitted as evidence clearly states that treatment was administered. The fact that the treatment was the placement of an Ace bandage for support does not minimize the treatment.

Military personnel are not required to recommend the award of a PH, so this arbitrary judgment as to the degree of injury to qualify is not a factor. It is clear that his injury occurred as a result of a hostile force in a combat zone. His injuries are real and he continues to suffer the physical and medical consequences of those injuries.

The applicant's complete response, with attachments, is at Exhibit E.

---

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. We took note that AFPC/DPSIDR recommends denial of the Purple Heart based on the absence of medical documentation to support his injury claim. However, we are persuaded by the documentation recorded in his official records that he was treated for a knee injury while attempting to enter a bunker during a rocket attack; a direct result of action involving an opposing armed force while in Vietnam. In view of this, we find the evidence of record sufficient to resolve any doubt in favor of the applicant and believe it is in the interest of equity and justice to correct his records to reflect the award of the Purple Heart. Therefore, we recommend his records be corrected as indicated below.

---

THE BOARD DETERMINES THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that he was entitled to the Purple Heart Medal for injuries received in Vietnam on 20 June 1969.

The following members of the Board considered BCMR Docket Number BC-2011-04989 in Executive Session on 17 July 2012, under the provisions of AFI 36-2603:

, Panel Chair  
, Member  
, Member

All members voted to correct the record, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 8 Dec 11, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIDR, dated 4 Apr 12.
- Exhibit D. Letter, SAF/MRBR, dated 12 Apr 12.
- Exhibit E. Applicant's Response, dated 1 May 12, w/atchs

Panel Chair