

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00313  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

He be awarded the Purple Heart (PH).

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APPLICANT CONTENDS THAT:

In Feb 68, while serving in Tan An, Long An Province, Republic of Vietnam, he was injured during combat. After the battle occurred, he treated civilian casualties non-stop for three to six days. The injury to his right knee was sustainable to allow him to continue his duties as a Corpsmen. He did not follow-up due to the sheer volume of casualties.

In support of his request, the applicant provides copies of his DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, a letter from his former commanding officer, AF Commendation Medal (AFCM) certificate, and other documents associated with his request.

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

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STATEMENT OF FACTS:

On 9 Jun 64, the applicant enlisted in the Regular Air Force. He served four years, one month and two days of total active federal service.

The applicant's commanding officer at the time of the attack, Captain C, provided a statement in support of the applicant's claim. He states the applicant collided with an obstruction. The applicant thought he may have received shrapnel from an enemy rocket; however, Captain C did not locate any shrapnel fragments. Captain C stated when it came time to consider the applicant for award of the PH, they were not absolutely sure if his wound was the result of hostile fire; therefore, the paperwork was never filed. Additionally, Captain C states after his recent contact with the applicant, he now realizes he most likely deserved the award of the PH and felt it would only be fair to recommend him for the award.

The PH is awarded to members of the United States 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 United States 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 Service 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 Service 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.

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AIR FORCE EVALUATION:

HQ AFPC/DPSIDR recommends denial. DPSIDR states there were no medical records located or documentation to support the applicant's request.

On 26 Apr 12, the applicant's request was disapproved by the Purple Heart Review Board.

The complete DPSIDR evaluation is at Exhibit B.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 11 May 12 for review and comment within 30 days (Exhibit C). As of this date, this office has not received a response.

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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. Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice. After thoroughly reviewing the evidence of record we are not persuaded that he has been the victim of an error or injustice. Therefore, we agree with the opinion and recommendation of the

Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. The personal sacrifice the applicant endured for his country is noted and our decision in no way diminishes the high regard we have for his service; however, insufficient documentary evidence has been presented to substantiate that he has a qualifying injury that warrants award of the PH. In the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

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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.

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The following members of the Board considered Docket Number BC-2012-00313 in Executive Session on 18 Jul 12, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 4 Jan 12, w/atchs.
- Exhibit B. Letter, AFPC/DPSIDR, dated 2 May 12.
- Exhibit C. Letter, SAF/MRBR, dated 11 May 12.

Panel Chair