

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00499

COUNSEL: NONE

HEARING DESIRED: NO

---

APPLICANT REQUESTS THAT:

He be awarded the Purple Heart (PH) for injuries he received in China on 11 Dec 1943.

---

APPLICANT CONTENDS THAT:

During World War II (WWII), as the aircraft commander of a B-24D, he was on a night bombing mission out of a Forward Operating Base (FOB) at Kweilin, China. During takeoff, his aircraft sustained severe tire damage/blowout caused from enemy shrapnel left on the runway from a Japanese attack. This resulted in a crash. Four crewmembers were declared Killed in Action (KIA) including his copilot and navigator. He received a chest contusion and lacerated finger and was hospitalized for these injuries.

The applicant did not submit any documents in support of his request. His complete submission is at Exhibit A.

---

STATEMENT OF FACTS:

The applicant was a pilot assigned to the 375<sup>th</sup> Bombardment Squadron, 308<sup>th</sup> Bombardment Group.

The applicant's medical records reflect he was hospitalized for two days for a chest contusion and numerous lacerations following a plane crash in China in Dec 1943.

His combat record reflects that he accumulated "425 Combat Hours, B-24, 14th Air Force, China."

---

AIR FORCE EVALUATION:

HQ AFPC/DPSIDR recommends denial. DPSIDR states the applicant provided a detailed account surrounding the incident but he did

not provide eyewitness accounts. After a complete review of the applicant's case, and in view of the absence of eyewitness accounts to the actual injury, lack of medical evidence, and the incident appearing to have been an accident and not due to enemy action they must recommend denial.

DPSIDR states 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 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.

The complete DPSIDR evaluation is at Exhibit C.

---

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

He finds the advisory opinion very disappointing. It does not appear to show any serious investigation of his request, and essentially cites his lack of documentation as the basis for their recommendation of disapproval. He is aware the objective is to insure that every serviceman receives proper recognition for the service and sacrifice they made for their country. However, he thought the Air Force would make an effort to obtain the medical records, accident reports, and other documentation that would substantiate his request. After almost 70 years, he has very little of this information in his possession. It certainly must be available in various WWII Air Force and Army Air Force record repositories.

He has never had possession of his medical records and is not aware if his wartime injuries were included. If the injuries are not mentioned in his medical records it may be because the crash occurred at a FOB in Kweilin, China and not at his assigned base at Chengkung, China. This was a one-time mission with an aircraft and crew that were not permanently assigned to him. He had no administrative support at Kweilin, which might add to the reason this medal "slipped through the cracks." He also suspects there was little administrative contact between the two hospitals. However, as stated in his request, he suffered a chest contusion and a lacerated finger. He spent a

night and a day in the Kweilin Hospital. Although the Kweilin FOB was eventually closed, the hospital records should still exist in some form. The crash occurred on 11 Dec 1943 in Kweilin, China. Perhaps DPSIDR has the resources to help locate these records.

He provides a book excerpt which reflects his mission, the aircraft tail number (42-73321) and details of the crash. Crew members were KIA as a result of the crash. His co-pilot was killed less than three feet from him. This should all be in the accident reports which, of course should also contain eyewitness accounts. One eyewitness, whom he can instantly recall, is the officer who pulled him out of the wreck. He is not aware if he is still alive.

DPSIDR's statement "...incident appearing to have been an accident and not due to enemy action," reflects no cited evidence nor an audit trail that leads to this conclusion. He asks DPSIDR to locate the accident report(s). Shrapnel on a runway under constant attack was not uncommon. During wartime, aircraft had to take off from those runways, although they may not have been cleared. Adding a night mission to these factors likens it to a field of improvised explosive devices lying on the runway. Furthermore, even if enemy shrapnel had not been the cause of the crash, this was nevertheless a combat mission in progress. The instant the wheel blocks were removed, a combat mission was underway. The subsequent crash occurred while "In Action." He provides further evidence in attachments 2 and 3.

His complete submission, 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. 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, the majority of the Board does not find the evidence submitted sufficient to determine the applicant suffered an injury as a result of the act of an enemy. While the evidence provided does support the applicant was participating in a combat mission and subsequently received medical treatment after his aircraft crashed, unfortunately, the evidence available to us is not sufficient to determine that the aircraft crash was caused by enemy shrapnel. This Board is not an investigative body and is dependent on the evidence provided

by an applicant and what is available in official personnel records. Further, it is the applicant who bears the burden of establishing the existence of an error or injustice in the record. Should the applicant provide an eyewitness statement from someone who witnessed the circumstances surrounding his injury, the majority of the Board would be willing to reconsider his request. The applicant's personal sacrifice and unselfish service to his country is noted; however, without documentation to substantiate his injury was caused by enemy action, the majority of the Board is unable to verify his entitlement to the Purple Heart. Therefore, in the absence of evidence to the contrary, the majority of the Board finds 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 this application in Executive Session on 18 Jul 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

By a majority vote, the Board recommended denial of the application. XXX voted to grant the appeal, but does not wish to submit a Minority Report. The following documentary evidence was considered in AFBCMR BC-2012-00499:

- Exhibit A. DD Form 149, dated 24 Jan 2012.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIDR dated 29 Mar 2012.
- Exhibit D. Letter, SAF/MRBR, dated 27 Apr 2012
- Exhibit E. Rebuttal, Applicant, dated 18 May 2012, w/atchs.

Panel Chair