

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2012-00575

 COUNSEL: NONE

 HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His records be corrected to reflect that:

1. He was awarded the Purple Heart (PH) medal and the Distinguished Flying Cross (DFC).
 2. His record be corrected to reflect that he flew 30 combat missions, instead of 29 missions. By amendment, dated 27 Jul 12, he requests his record be corrected to reflect he was credited with 32 combat missions and 260 combat flying hours.
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APPLICANT CONTENDS THAT:

1. He is entitled to the PH Medal due the injury he incurred on his third combat mission in accordance with the criteria in effect at the time, Army Regulation (AR) 600-45.
2. He flew 30 combat missions. Air crews who flew 30 or more combat missions met the requirement for award of the DFC. His wing commander said "Fly 30 sorties and receive a Distinguished Flying Cross."

In support of his request, the applicant provides an expanded statement, a copy of his Individual Record-Combat Crew Members flight record, an excerpt of Army Regulation (AR) 600-45, and copies of documents related to his request.

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

STATEMENT OF FACTS:

The applicant served as a B-29 gunner from 12 Jan 51 to 26 Oct 53.

The applicant has previously submitted several appeals for award of the Purple Heart (PH) Medal under AFBCMR Docket Number BC-2001-01784. His appeals were considered and denied by the Board. For an accounting of the facts and circumstances surrounding the

previous submissions and the rationale of the earlier decisions by the Board, see Exhibit B.

The Individual Record-Combat Crew Members flight record he provided reflects he flew in 29 missions from 4 Jul 52 to 3 Dec 52.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is attached at Exhibit C.

AIR FORCE EVALUATION:

SAF/MRBP recommends denial of the applicant's request for award of the DFC, noting the documentation provided by the applicant is not verifiable. The policy in effect at the time in question reflects that a member may be recommended for award of the DFC after completion of 35 combat missions and each recommendation will be substantiated by direct reference to a specific sortie, the accomplishment of which beyond doubt fulfills the desired extraordinary meritorious achievement. In addition, the criteria for the AM was completion of 10 combat missions against the enemy and 20 combat missions for subsequent awards of the Air Medal. Based on criteria at the time in question the applicant was appropriately awarded the AM for his 29 missions.

The complete SAF/MRBP evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 30 July 12, the applicant responded by amending his requests as indicated above. He further responded on 23 Aug 12 indicating that all of the gunners should be sent a Purple Heart as they were all blinded. He states it took 20 years for his cataracts to manifest.

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 an error or an injustice regarding the applicant's request for award of the DFC. We took notice of the applicant's complete submission in judging the merits of the

case; however, 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 the applicant has not been the victim of an error or injustice with respect to his request for the DFC. As for his request related to the PH Medal, we note this Board has previously considered and denied the applicant's request for the PH Medal. As the applicant has been previously advised, reconsideration is provided only where newly discovered relevant evidence is presented which was not available when the application was submitted. Further, the reiteration of facts we have previously addressed, uncorroborated personal observations, or additional arguments on the evidence of record are not adequate grounds for reopening a case. Therefore, in view of the fact the applicant has not provided any new and/or relevant evidence in support of his request for the PH Medal, we find that his request does not meet the criteria for reconsideration. While we are not unmindful or unappreciative of the applicant's service to his Nation, 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 this application in Executive Session on 4 Dec 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered AFBCMR Docket Number BC-2012-00575:

- Exhibit A. DD Form 149, dated 24 Mar 12, w/atchs.
- Exhibit B. Applicant's Military Personnel Records.
- Exhibit C. Letter, SAF/MRBP, dated 16 Feb 12.
- Exhibit D. Letter, AFBCMR, dated 2 Mar 12, w/atch.
- Exhibit E. Letter, Applicant, dated 27 Jul 12.
- Exhibit F. Letter, Applicant, dated 23 Aug 12.

Panel Chair