

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01559
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be awarded the Purple Heart (PH).

APPLICANT CONTENDS THAT:

He received a wound to his right great toe during a rocket and mortar attack in Vietnam. While showering one morning, sirens went off indicating Bien Hoa Air Base was under siege. He ran to the bunker but never made it. The next memory he has is being taken for medical care.

In support of his appeal, the applicant provides a letter from his Congressman and a record of medical care.

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 who served from 13 January 1969 to 2 January 1973. He served as an Administrative Specialist and was progressively promoted to the grade of sergeant (E-4) with a date of rank of 1 May 1971. He was honorably discharged effective 2 January 1973 after serving 3 years, 11 months, and 20 days on active duty with 11 months and 28 days of Foreign Service.

A *Chronological Record of Medical Care*, provided by the applicant, indicates an entry, dated 28 January 1970, where the applicant sustained a "bunker injury" by stubbing his right great toe, folding the toenail back. As a result, the toenail was removed.

After a thorough review of the applicant's record, the Air Force Personnel Center Awards and Decorations Section determined the applicant is eligible for the Republic of Vietnam Gallantry Cross with Palm (RVNGC w/P) and the Republic of Vietnam Campaign Medal (RVCM). In addition, they determined he was entitled to four

Bronze Service Stars to his Vietnam Service Medal (VSM). The applicant's record will be corrected subsequent to Board action.

AIR FORCE EVALUATION:

AFPC/DPSID recommends denying the applicant's request for the PH. DPSID states that after a thorough review of the applicant's record, his injury does not meet the criteria for award of the PH. The PH is awarded for wounds received as direct result of enemy actions i.e., gunshot or shrapnel wounds, hand-to-hand combat wounds, forced bailout injuries, etc.). In addition, it is necessary that the wound required or received treatment by medical personnel. Indirect injuries do not meet the criteria for award of the PH. These include, but are not limited to, injuries received while seeking shelter from mortar or rocket attacks, aircraft bombings, grenades, and injuries incurred while serving as an aircraft member in a passenger status as a result of the aircraft's evasive measures against hostile fire; or, Post Traumatic Stress Disorder.

DPSID indicates that in accordance with Air Force Instruction 36-2803, the applicant's request was reviewed by the Purple Heart Review Board (PHRB) and was subsequently disapproved on 28 June 2012. There was no documentation presented which indicated the applicant's wound was a result of enemy action. In addition, the medical documentation provided does not give any indication the injury was related to enemy action.

The complete DPSID evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 28 August 2012, for review and comment within 30 days. As of this date, this office has received no response.

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. 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 that the applicant has not been the victim of an error or injustice. Therefore, 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 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-2012-01559 in Executive Session on 1 November 2012, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence was considered in connection with AFBCMR Docket Number BC-2012-01559:

- Exhibit A. DD Form 149, dated 28 Feb 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSID, dated 11 Aug 12.
- Exhibit D. Letter, SAF/MRBR, dated 28 Aug 12.

Panel Chair