

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02167
COUNSEL: NONE
HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

He be awarded the Purple Heart (PH) Medal.

APPLICANT CONTENDS THAT:

He was injured during a combat mission and did not receive the PH when he was forced to eject from his aircraft on 18 Aug 69. He sustained multiple bruises and a laceration to his chin which required stitches.

In support of his request, the applicant provides excerpts from his medical records.

His complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

The Purple Heart is awarded in the name of the President of the United States to any member of the Armed Forces of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after April 5, 1917, has been wounded or killed. Specific examples of services which warrant the Purple Heart include any action against an enemy of the United States; any action with an opposing armed force of a foreign country in which the Armed Forces of the United States are or have been engaged; while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; as a result of an act of any such enemy of opposing armed forces; or as the result of an act of any hostile foreign force.

On 20 Jul 12, the Purple Heart Review Board (PHRB) considered the applicant's request to be awarded the PH; however, they disapproved the request.

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

AIR FORCE EVALUATION:

AFPC/DPSID recommends denial by stating the applicant was injured when he ejected from a mechanically disabled aircraft and landed on hard ground. Further, the available documentation indicates that his injury was the result of an aircraft accident and not from enemy action. Therefore, the applicant's injury does not meet the criteria for award of the PH.

The complete DPSID evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 28 Aug 12 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 an error or injustice. After a thorough review of the available evidence and applicant's complete submission, we find no evidence that his records should be corrected to show he was awarded the PH. As such, 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 applicant's honorable service is noted. Regrettably, we do not find the evidence submitted is sufficient to recommend granting the requested relief.
4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel

will materially add to our understanding of the issue involved. Therefore, the request for a hearing is not favorably considered.

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-2012-02167 in Executive Session on 25 Oct 12, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 22 May 12, w/atchs.
Exhibit B. Letter, AFPC/DPSID, dated 11 Aug 12.
Exhibit C. Letter, SAF/MRBR, dated 28 Aug 12.

Panel Chair