

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02232
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be awarded the Purple Heart (PH) Medal.

APPLICANT CONTENDS THAT:

He flew in a helicopter that rescued crewmembers from a burning B-52; the helicopter crew ensured that all crewmembers were evacuated. He notes that the helicopter crew received the flight time designator for a combat flight.

The applicant does not provide any documentation in support of his request.

His complete submission 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 either as a direct result of enemy action or while engaged in action against the enemy. 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.

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 C.

AIR FORCE EVALUATION:

AFPC/DPSID recommends denial stating that they were unable to locate any official documentation in the applicant's official military personnel records that verifies he received wounds on 19 Jul 69. Additionally, the applicant's Distinguished Flying Cross citation indicates he was on a rescue mission of a downed B-52 and following the successful evacuation of the aircrew, the bomb load of the burning aircraft exploded and the helicopter that the applicant was on was fatally struck by debris. While his actions were heroic during the mission, there is no indication that there was enemy involvement.

The complete DPSID evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant and his spouse responded with regard to his wounds that were received on 19 Jul 69, which are provided below:

1. He sustained severe and life threatening injuries while serving in the Vietnam War as a pararescueman. While on a rescue mission his helicopter was hit by the exploding ordinances of the B-52 that crashed during a mission against the enemy. He was the only survivor of his crew and spent almost two years recovering after the incident.

2. He sustained severe head injuries, multiple broken bones, blast injury to lungs, and his face was flattened and is not recognizable as the former member. He underwent more than 40 surgeries to rebuild his body.

3. His box of personal items contained the PH Medal, which he has proudly displayed all these years. However, he could not find the commendation that accompanies the award.

The applicant's 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. Sufficient relevant evidence has been presented to demonstrate the existence of an injustice. After carefully reviewing the facts and circumstances of this case, we believe the applicant's request to be awarded the Purple Heart should be granted. Based on the available evidence, it appears his life threatening injuries resulted from a burning aircraft which was shot down by the enemy. The governing criterion for award of the PH requires the individual to have received a wound or injury as a direct result of enemy action or while engaged in action against an enemy. We believe the applicant's injuries clearly met this latter criterion as evidenced by the statement from his spouse indicating that he has in his possession the actual PH Medal that he was awarded and the 1973 statement from the Commander of the 43rd Air Rescue and Recovery Squadron indicating the applicant received the PH. Accordingly, in view of the above and in recognition of the applicant's service to our nation, we recommend his records be corrected to as indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that he was awarded the Purple Heart for injuries he received in action against an enemy of the United States while participating in aerial flight as a pararescueman in Thailand on 19 July 1969.

The following members of the Board considered AFBCMR Docket Number BC-2012-02232 in Executive Session on 25 Oct 12, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

All members voted to correct the records, as recommended. The following documentary evidence for Docket Number BC-2012-02232 was considered:

- Exhibit A. DD Form 149, dated 1 Mar 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSID, dated 17 Aug 12.
- Exhibit D. Letter, SAF/MRBR, dated 28 Aug 12.
- Exhibit E. Letter, Applicant, dated 9 Sep 12, w/atchs

Panel Chair