

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

(DECEASED)
(APPLICANT)

DOCKET NUMBER: BC-2012-02111

COUNSEL: NO

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His late brother's record be corrected to reflect award of the following:

1. Bronze Star Medal (BSM)
2. Bronze Star Medal with one Oak Leaf Cluster (BSM w/1OLC)
3. Purple Heart (PH) (***Administratively corrected***)
4. Combat Infantry Badge
5. Gold Star Lapel Button (***Administratively corrected***)
6. Three (3) Distinguished Unit Citations (Presidential Unit Citation with two Oak Leaf Clusters) (PUC w/2OLC) (***Administratively corrected***)

APPLICANT CONTENDS THAT:

His brother should receive these awards for his participation in the Battles of Luzon and Corregidor.

In support of his appeal, the applicant provides a personal statement, and copies of his brother's enlistment record, an Office of the Under Secretary of Defense memorandum, historical documents, an excerpt of Army Regulation (AR) 600-8-22, War Department Circulars, and newspaper articles.

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

STATEMENT OF FACTS:

The member (decedent) is a former member of the 454th Ordnance Company (Aviation), 27th Bombardment Group, which was incorporated into the Provisional Air Corps Regiment and tasked with performing duties of infantrymen during the resistance of the Japanese attack on the Philippine Islands from 8 January 1942

until 10 May 1942. According to a War Department's Report of Death, the member, serving as a private first class, died from Malaria on 1 July 1943 while being held as a prisoner of War in the Southwest Pacific.

AIR FORCE EVALUATION:

AFPC/DPSID recommends denying the applicant's request for the award of the BSM, BSM w/10LC, and the Combat Infantryman Badge. DPSID indicates that when the Air Force was established by the National Security Act of 1947, the transfer functions pertaining to decorations and awards excluded the transfer of badges, except basic qualification marksmanship badges, and motor vehicle driver and mechanic badges as noted in the Joint Army and Air Force Adjustment Regulations (JAAFAR) 1-11-53, 2b(8), dated 20 December 1948. Further review of Army Regulation 600-8-22, paragraph 3-14d(2), Bronze Star Medal and paragraph 8-6f(2), Combat Infantryman Badge, provides an avenue for individuals (next of kin), who may determine they are entitled to this prestigious award, to request consideration. Therefore, the Department of the Air Force must defer to the Department of the Army in relation to awarding the Combat Infantryman Badge.

The BSM is awarded to a person in any branch of the military service who, while serving in any capacity with the Armed Forces of the United States on or after 7 December 1941, shall have distinguished himself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy. According to AR 600-8-22, paragraph 3-14(2), dated 11 December 2006, award of the BSM may be to each member of the Armed Forces of the United States who, after 6 December 1941, has been cited in orders or awarded a certificate for exemplary conduct in ground combat against an armed enemy between 7 December 1941 and 2 September 1945, inclusive, or whose meritorious achievement has been otherwise confirmed by documents executed prior to 1 July 1947. For this purpose, an award of the Combat Infantryman Badge is considered a citation and orders. In relation to requests for the BSM associated with award of the Combat Infantryman Badge, applicants should send their letter application to the Commander, United States Army Human Resources Command. In addition, AR 600-8-22, paragraph 3-14(3) states that upon letter application, award of the BSM may be made to eligible soldiers who participated in the Philippine Island Campaign, from 7 December 1941 to 10 May 1942. Performance of duty must have been on the island of Luzon or the Harbor Defenses in Corregidor and Bataan. Only soldiers who were awarded the Distinguished Unit Citation may be awarded this decoration.

Official documentation, to include a Special Order, verifying the member was recommended for and/or awarded the BSM was not located within his official military personnel record. However, it

appears the applicant is requesting the BSM in relation to award of the Combat Infantryman Badge for his late brother's actions during the Battle of Luzon. Therefore, the applicant will need to submit this portion of his request to the Department of the Army.

DPSID states after a thorough review of the member's official military personnel record, they have verified his award of the PUC w/2OLC and the Gold Star Lapel Button. In regard to the applicant's request to award his late brother the PH, the Purple Heart Review Board (PHRB) approved the member's award of the PH on 3 August 2012. As a result, these awards have been corrected in the member's record. In addition, their office has verified the member's entitlement to the Good Conduct Medal (GCM), Prisoner of War Medal (POWM), American Campaign Medal (ACM), Asiatic-Pacific Campaign Medal with one Bronze Service Star (APCM w/1BSS), World War II Victory Medal (WWIIVM) and the Philippines Presidential Unit Citation (PRPUC). A copy of their evaluation has been placed in the member's record to verify these additional awards.

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 11 September 2012 for review and response within 30 days (Exhibit D). 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 timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or an injustice warranting corrections by the Board in regard to the applicant's request to award his late brother the BSM, BSM w/1OLC, and the Combat Infantry Badge. In this regard, we agree with the recommendation of the Air Force office of primary 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 any relief beyond the administrative corrections previously noted.

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-2012-02111 in Executive Session on 12 February 2013, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence was considered in connection with AFBCMR Docket Number BC-2012-02111:

- Exhibit A. DD Form 149, dated 2 May 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSID, dated 4 Sep 12.
- Exhibit D. Letter, SAF/MRBR, dated 11 Sep 12.

Panel Chair