

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02281
COUNSEL: NO
HEARING DESIRED: NOT INDICATED

APPLICANT REQUESTS THAT:

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

1. Bronze Star Medal with one Oak Leaf Cluster (BSM w/1OLC)
2. Distinguished Flying Cross (DFC)
3. Combat Infantry Badge
4. Air Medal (AM)
5. Presidential Unit Citation with two Oak Leaf Clusters (PUC w/2OLCs)
6. Philippine Liberation Ribbon

APPLICANT CONTENDS THAT:

His late brother was not issued any awards due to the fact he died in a Prisoner of War (POW) camp during World War II (WWII).

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

STATEMENT OF FACTS:

The member (decedent) was a member of the Army Air Corps who served with the 28th Material Squadron in the Asiatic-Pacific Theater during WWII.

According to a War Department's Report of Death, dated 3 January 1946, the member, serving in the grade of private first class, died from Beri-Beri (a disease caused by improper diet) and Malaria on 10 December 1942, while being held as a prisoner in a Japanese POW Camp (Cabanatuan) in the Philippine Islands.

AIR FORCE EVALUATION:

AFPC/DPSID recommends denying the applicant's request for the award of the BSM w/1OLC, DFC, AM, PUC w/2OLCs, Combat Infantryman Badge, and Philippine Liberation Ribbon. DPSID indicates that according to applicable guidance, the Department of the Army is the sole approval authority for the Combat Infantry Badge and the associated BSM w/1OLC; therefore, the next of kin must submit this portion of his request to the Department of the Army for consideration. To grant the member award of the Combat Infantry Badge and the associated BSM w/1OLC would be contrary to the agreement between the Department of the Army and Department of the Air Force established by the Joint Army and Air Force Adjustment Regulations (JAAFAR) 1-11-53, 2b(8), dated 20 December 1948.

The member did not serve on active duty during the award inclusive period for the Philippine Liberation Ribbon as he unfortunately died in the POW camp several years prior to the liberation of the Philippines; therefore, he is ineligible for this award.

DPSID indicates that after a thorough review of the member's record, they were unable to locate any official documentation verifying the member served with a unit which received award of the PUC; therefore, he is ineligible for award of the PUC w/2OLCs.

All avenues have not been exhausted for retroactive request for award of the DFC and the AM. In addition, the request is incomplete as the package should include the following: 1) a signed recommendation; 2) eyewitness statements attesting to the fact(s) of valor or service performed, sworn affidavits; 3) a referral by a Member of Congress; and 4) proposed citations.

In correspondence dated 28 May 2010, DPSID notified the applicant that his brother's record had been administratively corrected to reflect award of the Purple Heart (PH), POW Medal, American Campaign Medal (ACM), WWII Victory Medal (WWIIVM), and Philippine Presidential Unit Citation (PRPUC) as a result of his appeal for correction of records on 10 November 2009.

DPSID states in regard to the applicant's most recent request, they have also verified the member's entitlement to award of the Good Conduct Medal (GCM), Asiatic-Pacific Campaign Medal (APCM), and the Philippine Defense Medal (PDR). Their office will correct the record to reflect these awards upon final Board decision.

The complete DPSID evaluation, with attachments, is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 26 February 2013 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 in regard to his requests to correct his late brother's record to reflect award of the DFC, AM, PUC w/2OLC, and the Philippine Liberation Ribbon. However, he has not exhausted all remedies provided by existing law or regulations pertaining to the Combat Infantryman Badge (CIB) and the Bronze Star Medals.

2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to do so.

3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or an injustice. In this respect, we note that after thoroughly reviewing the evidence of record and noting the applicant's contentions, we are not persuaded the member should be awarded the DFC, AM, PUC w/2OLCs, and the Philippine Liberation Ribbon. Additionally, as indicated by AFPC/DPSID and the documentation submitted by the applicant in support of this appeal, requests for the Combat Infantryman Badge and the associated Bronze Star Medals should be sent to the Commander, U.S. Army Human Resources Command, AHRC-CC-B, 1 Reserve Way, St. Louis, MO 63132-5200. In this regard, we agree with the recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion that the member has not been the victim of an error or injustice and/or exhausted his administrative remedies. 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-2012-02281 in Executive Session on 14 March 2013, under the provisions of AFI 36-2603:

Vice Chair
Member
Member

The following documentary evidence was considered in connection with AFBCMR Docket Number BC-2012-02281:

- Exhibit A. DD Form 149, dated 21 May 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSID, dated 17 Sep 12, w/atchs.
- Exhibit D. Letter, SAF/MRBR, dated 26 Feb 13.

Vice Chair