RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2006-01271

INDEX CODE: 107.00

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NOT INDICATED

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APPLICANT REQUESTS THAT:

The Purple Heart (PH) be added to his DD Form 214, Armed Forces of

the United States Report of Transfer or Discharge.

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APPLICANT CONTENDS THAT:

The PH is not listed on his DD Form 214. An Army Hospital in

Saigon stated “The Purple Heart was earned but not awarded this

facility.” He was advised the paperwork would flow in three weeks

but it never did.

In support of his request, applicant provided copies of

correspondence from the Department of Veterans Affairs, a Western

Union Telegram, his AF Form 899, Permanent Change of Station-

Military; a letter from Michigan Technological University, copies

of a newspaper article, his DD Form 149, Application for

Correction of Military Record and a photo of the PH medal.

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

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STATEMENT OF FACTS:

Applicant’s military personnel record reflects he served on active

duty from 24 November 1964 through 19 May 1969.

On 19 May 1969, he was released from active duty and transferred

to the Air Force Reserve in the grade of staff sergeant after

serving 4 years, 5 months and 26 days on active duty.

On 15 April 2006, the applicant submitted his initial DD Form 149

requesting his DD Form 214 be amended to include the PH Medal.

On 6 August 2006, the applicant requested his case be withdrawn to

gather more information. On 21 August 2006, his case was

administratively closed. On 25 April 2007, the applicant was

notified six months had passed since his case was closed and after

30 days his case would be closed without prejudice. On 15 May

2007, the applicant acknowledged his case would be closed in 30

days and stated he was trying to locate other wounded airmen for

statements in support of his request. On 4 March 2009, he

submitted another DD Form 149 reopening his case.

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AIR FORCE EVALUATION:

AFPC/DPPPR recommends denial. DPPPR states the applicant provided

a Western Union Telegram from the Chief, Casualty Division

Headquarters stating on 17 November 1968, while standing with a

group of Americans in Saigon, an unidentified person threw a

grenade into their midst. As a result, he received grenade

fragmentation wounds to his head and shoulder. After a review of

the records, DPPPR states there is no special order provided or

located in his record to support the award of the PH.

The complete DPPPR evaluation is attached at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant

on 14 July 2006 for review and comment within 30 days. As of this

date, this office has received no response (Exhibit D).

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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 error or injustice. In this

respect, since the applicant is understandably unable to provide

eyewitness accounts at this point; based on the evidence provided

and having no reason to question his integrity in this matter,

the Board Majority believes he has established reasonable doubt

as to whether the injuries he claims he suffered during a grenade

bombing in Saigon, qualify for award of the PH. The Board

majority believes the benefit of the doubt in this matter should

be resolved in his favor and that his records should be corrected

accordingly. In view of the foregoing, the Board majority

recommend that his records be corrected as indicated below.

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THE BOARD MAJORITY 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 Saigon during the Vietnam

War.

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The following members of the Board considered AFBCMR Docket Number

BC-2006-01271 in Executive Session on 16 June 2009 and 24 June

2009, under the provisions of AFI 36-2603:

The Board majority voted to correct the records as recommended.

XXXXXXXXXX voted to deny the applicant’s request but elected not

to submit a minority report. The following documentary evidence

was considered:

Exhibit A. DD Form 149, dated 24 March 2009, w/atchs.

Exhibit B. Applicant's Master Personnel Records.

Exhibit C. Letter, AFPC/DPPPR, dated 10 May 2006.

Exhibit D. Letter, SAF/MRBR, dated 14 July 2006.