RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2009-03218

INDEX CODE: 107.00

XXXXXXX COUNSEL: DAV

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His records be corrected to show award of the Purple Heart (PH).

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APPLICANT CONTENDS THAT:

He was wounded during World War II (WWII) and was not awarded a PH.

In support of his appeal, the applicant provides copies of his honorable discharge certificate and WD AGO 53-55, *Enlisted Record and Report of Separation*.

Applicant’s complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant is a former enlisted Army Air Corps member, who served on active duty from 4 Jan 43 until his honorable discharge on 13 Sep 45. Block 34, “Wounds Received in Action, of the WD AGO 53-55, *Enlisted Record and Report of Separation*, issued in conjunction with his 13 Sep 45 reflects “None.”

In accordance with Army Regulation (AR) 600-45, *Decorations*, dated 22 Sep 43, during the period in question, the PH was awarded for wounds received in action against an enemy of the United States, or as a direct result of an act of such enemy, provided such wound necessitated treatment by a medical officer. For the purpose of awarding the PH, a wound was defined as an injury to any part of the body from an outside force, element, or agent, sustained as the result of a hostile act of the enemy, or while in action in the face of the enemy. When a person eligible for award of the PH was treated for a wound, the commanding officer of the hospital, or the medical officer who treated the wound, furnished the commanding officer of the wounded person a certificate briefly describing the nature of the wound, and certifying the necessity of treatment. In addition, a wounded soldier’s unsupported statement could be accepted in unusual or extenuating circumstances when, in the opinion of the officer making the award, no corroborative evidence was obtainable. However, the statement would be substantiated if possible.

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AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial and states the applicant has not provided a personal account, eyewitness statement, or official military medical documentation that would verify that he had a wound or injury caused by direct result of enemy actions that required medical attention.

The complete AFPC/DPSIDR evaluation is 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 24 Mar 10 for review and comment within 30 days. As of this date, no response has been received by this office.

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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.  Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice. After thoroughly reviewing the evidence of record and noting the applicant’s contention, we are not persuaded that his records should be corrected to reflect his entitlement to the PH. Although the applicant indicates that he was wounded during WWII, he provides no details concerning the manner in which he was wounded. Moreover, although the applicant indicates that he has provided correspondence from the Veterans Administration, dated 21 Mar 50, in support of his request, no such evidence was provided with his application. In view of the above, while we value the service and sacrifice the applicant has endured for our country, in the absence of evidence indicating that he was either wounded as a direct result of enemy action or while engaged in action against the enemy, we find no basis to recommend granting his request for the PH.

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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.

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The following members of the Board considered AFBCMR Docket Number BC-2009-03218 in Executive Session on 6 May 2010, under the provisions of AFI 36-2603:

The following documentary evidence with regard to AFBCMR Docket Number BC-2009-03218 was considered:

Exhibit A. DD Form 149, dated 11 Jun 09, w/atchs.

Exhibit B. Applicant's Master Personnel Records.

Exhibit C. Letter, AFPC/DPSIDR, dated 8 Mar 10.

Exhibit D. Letter, SAF/MRBR, dated 24 Mar 10.