RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-02915

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His record be corrected to reflect he is entitled to the following awards and decorations:

1.  Purple Heart (PH) Medal.

2.  Air Force Commendation Medal (AFCM).

3.  Vietnam Service Medal (VSM) with three bronze service stars to denote his participation in three campaigns **(administratively corrected to reflect one silver service star to denote his participation in five campaigns)**.

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APPLICANT CONTENDS THAT:

He served in the Republic of Vietnam from Jan 68 through Jan 69 and should be awarded the PH Medal because his foot was smashed during a rocket/mortar attack, which resulted in lacerations and a broken toe. Additionally, he was promised an AFCM for his actions while serving as Security Police augmentee. Finally, his VSM should have three BSS accoutrements as he served during three campaigns.

In support of his request, the applicant provides an expanded statement and copies of his DD Form 214, *Armed Forces of the United States Report of Separation from Active Duty,* and a letter of appreciation related to his service as a Security Police augmentee.

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

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STATEMENT OF FACTS:

The applicant’s military personnel records indicate he enlisted in the Regular Air Force on 25 Apr 66 in the grade of airman basic (E-1) for a period of four years and was progressively promoted to the grade of sergeant (E-4), effective and with a date of rank of 1 Nov 68. On 16 Jan 70, he was honorably discharged at the completion of his required active service and credited with 3 years, 8 months, and 22 days of total active service.

Item 24, *Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized,* of his DD Form 214, does not reflect he is entitled to the PH Medal or AFCM. It does indicate he is entitled to the VSM, but with no devices.

The Purple Heart (PH) is awarded for wounds received as a direct result of enemy actions (e.g., gunshot or shrapnel wounds, hand-to-hand combat wounds, forced aircraft bailout injuries, etc.). In addition, it is necessary that the wound required or received treatment by medical personnel. Indirect injuries do not meet the criteria for award of the PH. These include, but are not limited to, injuries received while seeking shelter from mortar or rocket attacks, aircraft bombings, grenades, and injuries incurred while serving as an aircrew member or in a passenger status because of the aircraft's evasive measures against hostile fire.

On 1 Feb 11, AFPC/DPSIDR notified the applicant they were able to verify his entitlement to one Silver Service Star (SSS) to his previously awarded VSM due to his service in the Republic of Vietnam during five approved campaign periods.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is attached at Exhibit C.

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AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial with respect to the PH Medal and AFCM, indicating there is no evidence of an error or injustice. While the applicant’s service medical records indicate he was injured during enemy action while running to a bunker, the applicant did not provide the date of the injury or how it was sustained. He did not provide any eyewitness statement to corroborate the injury occurred as a direct result of enemy action. As for the AFCM, there is no documentation in his submission or records which indicate he was recommended for the AFCM; therefore, he is not entitled to the AFCM.

A complete copy of the 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 11 Feb 11 for review and comment within 30 days. As of this date, no response has been received by this office (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.  Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice warranting award of the Purple Heart (PH) Medal or Air Force Commendation Medal AFCM. After a thorough review of the evidence of record and the applicant’s complete submission, we are not persuaded he has been the victim of an error or injustice. With respect to his request for the PH Medal, we note the criteria for the PH Medal specifically excludes indirect injuries, such as those sustained by the applicant while he was seeking shelter from the reported attack. Therefore, we are not convinced he is entitled to the PH Medal. As for his request regarding the AFCM, we do not find the documentation provided, a letter of appreciation with endorsements, sufficient to convince us he is entitled to the AFCM. Finally, with respect to his request for three bronze service star devices for his previously awarded Vietnam Service Medal (VSM), we note the Air Force office of primary responsibility has determined his eligibility for one Silver Service Star device for his participation in five campaigns and will correct his records administratively. Therefore, in the absence of evidence to the contrary, we find no basis for us to recommend granting the applicant’s remaining requests.

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THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and 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-2010-02915 in Executive Session on 22 Mar 11, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

Exhibit A.  DD Form 149, dated 27 Apr 10, w/atchs.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Letter, AFPC/DPSIDR, dated 1 Feb 11.

Exhibit D.  Letter, SAF/MRBR, dated 11 Feb 11.