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ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

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DOCKET NUMBER: BC-2015-04635-2

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

The Board reconsider his request for retroactive approval/award of the Purple Heart Medal to include all associated benefits and entitlements.

RESUME OF THE CASE

The applicant is a retired Air Force senior airman (E-4).

On 15 Dec 16, the Board considered and denied the applicant's request for award of the Purple Heart finding he had provided insufficient evidence of an error or injustice to justify relief. After a thorough review of the available evidence and applicant's complete submission, to include his rebuttal, the Board found no evidence that his records should be corrected to show he was awarded the Purple Heart. The Board agreed with the opinion and recommendation of the Air Force office of primary responsibility who confirmed the original award approval authority twice considered the applicant's request for award of the Purple Heart and both times determined the applicant's medical documentation did not meet the award criteria. However, the Board pointed out if the applicant were to provide the required medical documentation, they may be willing to reconsider his request.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit F.

On 1 Apr 22, the Board received the applicant's request for reconsideration of his request for retroactive approval/award of the Purple Heart Medal to include all associated benefits and entitlements. He again contends that on 7 Jan 10, his vehicle was struck by an improvised explosive device (IED) resulting in a concussion and traumatic brain injury (TBI), along with two herniated discs. The injuries diagnosed as mild in 2010, have not been mild for the last decade, which is reflected in his Department of Veterans Affairs (DVA) recent disability rating and AFPC/DPFDC Combat-Related Special Compensation (CRSC) claim. In support of the reconsideration request, the applicant submitted the following new evidence: (1) DVA Summary of Benefits letter, dated 12 Jul 21; and (2) HQ AFPC/DPFDC Approval of CRSC, dated 10 Nov 21.

The applicant's complete submission is at Exhibit G.

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APPLICABLE AUTHORITY/GUIDANCE

Department of Defense Manual (DoDM) 1348.33, Vol 3, *Manual of Military Decorations and Awards: DoD-Wide Personal Performance and Valor Decorations*, dated 23 Nov 10. The Purple Heart is awarded to members of the United States Armed Forces who have been wounded, killed, or who have died or may hereafter die of wounds received in action against an enemy of the United States or opposing force as a result of an act of such enemy or opposing armed force, an international terrorist attack or during military operations while serving as part of a peacekeeping force. A wound for which the award is made must have required treatment, not merely an examination, by a medical officer. Additionally, treatment of the wound will be documented in the service member's medical and/or health record. Award of the Purple Heart may be made for wounds treated by a medical professional other than a medical officer, provided the medical officer includes a statement in the service member's medical record that the extent of the wounds was such that the wounds would have required treatment by a medical officer if one had been available to treat the wounds.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board remains unconvinced the evidence presented demonstrates an error or injustice. The applicant again contends his vehicle was struck by an IED resulting in injuries he believes make him eligible for the Purple Heart. However, as noted in the applicant's initial request, the original award approval authority twice considered the applicant's request for award of the Purple Heart and both times determined his medical documentation did not meet the award criteria. The applicant now provides a DVA letter indicating he has a disability rating of 100 percent effective 30 Nov 20, and a CRSC approval letter dated 20 Nov 21 that shows the CRSC he began receiving in 2013 was increased. However, this is not the required medical documentation that verifies his injuries were caused by enemy action. Therefore, the Board recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

CERTIFICATION

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2015-04635-1 in Executive Session on 19 Jan 23:

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Panel Chair
Panel Member
Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit F: Record of Proceedings, w/ Exhibits A-E, dated 15 Dec 16.

Exhibit G: Application, DD Form 149, w/atchs, received 1 Apr 22.

Exhibit H: Documentary Evidence, Extract Applicable Authority/Guidance.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings pertaining to Docket Number BC-2015-04635-2 as required by AFI 36-2603, paragraph 4.11.9.

3/14/2023

X

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Board Operations Manager, AFBCMR

Signed by: Work-Product