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**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2018-03698

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, be corrected to reflect the following awards:

- a. Purple Heart
- b. Bronze Star Medal

APPLICANT'S CONTENTIONS

The omission is a clerical error.

STATEMENT OF FACTS

The applicant is a former Air Force senior airman (E-4) who entered the Regular Air Force on 18 March 1966.

On 9 December 1969, according to DD Form 214, the applicant was released from active duty and transferred to the Air Force Reserve. Item 24, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, reflects: National Defense Service Medal; Vietnam Service Medal, with 1 Bronze Service Star; Small Arms Marksmanship Ribbon; and Air Force Good Conduct Medal, with Oak Leaf Cluster. He was credited with 11 months and 28 days of Foreign Service.

On 18 January 2019, Board staff notified the applicant he failed to exhaust or that he did not indicate he exhausted other administrative avenues of relief prior to applying to the AFBCMR. Therefore, the applicant's awards and decorations request was sent to the Air Force Personnel Center (AFPC) for review and/or corrective action. Based on the forgoing, the applicant's case was closed. The applicant was also informed if AFPC was unable to resolve his awards and decorations request, they would resubmit the request to the Board on his behalf.

On 29 March 2021, the AFPC Recognition Team informed the applicant they were unable to verify award of the Purple Heart and Bronze Star. They invited the applicant to provide source documents placing him in the area of responsibility and informed him he should send them to AFPC within 30 days of the date of their letter. After 30 days, the case would be referred to the Board.

Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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On 14 November 2022, the Board received an AFPC/DP3SP advisory opinion. In view of the applicant's original contention and concerns expressed in their 20 August 2018 application, the AFBCMR staff reopened their case in order for the Board to consider the award of the Purple Heart and Bronze Star.

AIR FORCE EVALUATION

AFPC/DP3SP (Recognition Program) recommends denying award of the Purple Heart and Bronze Star. In accordance with Department of Defense Manual (DoDM) 1348.33, *Manual of Military Decorations* and Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, the Bronze Star was established by Executive Order 9419, dated 4 February 1944, which was superseded by Executive Order 11046, dated 24 August 1962, amended by 10 U.S.C. § 1133, further amended by Public Law 111-383 section 571. The medal is awarded to any person who, while serving in or with the Air Force after 6 December 1941, has distinguished himself or herself by heroism (valor), meritorious achievement or service, not involving participation in aerial flight: while engaged in an action against an enemy of the U.S.; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party.

In accordance with DoDM 1348.33 and AFMAN 36-2806, the Purple Heart was established by General George Washington on 7 August 1782. It was reestablished by War Department General Order No. 3, 1932, and is currently awarded pursuant to Executive Order 11016, dated 25 April 1962, subject to the provisions in 10 U.S.C. § 1127, 1129, 1129a, and 1131; Public Law 104-106; DoD Instruction 1348.33; and Volume 3 of DoDM 1348.33. The medal is awarded to any Service member who is killed or wounded as a result of enemy action. The wounds received must have required treatment by a medical officer. The Purple Heart differs from other decorations in that a member is entitled to the decoration upon the awarding authority determining that the specified award criteria have been met. The Purple Heart may be awarded to any Service member, while serving under competent authority after 5 April 1917, has been wounded, killed, or who has died or may hereafter die of wounds received under any of the following circumstances: in any action against an enemy of the U.S.; in any action with an opposing armed force of a foreign country in which the Military Services are or have been engaged; while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party; as a result of an act of any such enemy or opposing armed forces; as the result of an act of any hostile foreign force. Examples of injuries or wounds which clearly do not justify award of the Purple Heart include: frostbite or trench foot injuries; heat stroke; food poisoning not caused by enemy agents; chemical, biological, or nuclear agents not released by the enemy; disease not directly caused by enemy agents; accidents, to include explosive, aircraft, vehicular, and other accidental wounding not related to or caused by enemy action; self-inflicted wounds, except when in the heat of battle and not involving gross negligence; post-traumatic stress disorders; jump injuries not caused by enemy action; and/or injuries that are the result of the member's willful misconduct. Members and veterans of foreign wars can apply for the Purple Heart if they provide supporting documentation meeting the established criteria and have witness statements to confirm their injury which was the direct result of enemy action.

They are unable to verify award of the Purple Heart and Bronze Star based on the official record and the documentation provided by the applicant. Correspondence was sent to the applicant on 29 March 2021 requesting additional documentation to possibly administratively correct the applicant's official record and award the Purple Heart and Bronze Star. Unfortunately, as of the date of this memo a response has not been received from the applicant and therefore unable to

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administratively correct due to insufficient documentation verifying eligibility of the Purple Heart and Bronze Star. To grant relief would be contrary to the criteria established by DoDM 1348.33 and AFMAN 36-2806.

The complete advisory opinion is at Exhibit C.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 15 November 2022, for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The applicant claims the omission of the requested awards from his record is a clerical error. However, he has not provided any evidence he meets the criteria for award of the Purple Heart or the Bronze Star. Therefore, the Board concurs with the rationale and recommendation of AFPC/DP3SP and finds a preponderance of the evidence does not substantiate the applicant’s contentions. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant’s records.

RECOMMENDATION

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2018-03698 in Executive Session on 17 August 2023:

| | |
|--------------|--------------|
| Work-Product | Panel Chair |
| [REDACTED] | Panel Member |
| Work-Product | Panel Member |

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

- Exhibit A: Application, DD Form 149, dated 20 August 2018.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 14 November 2022.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 15 November 2022.

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Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

10/4/2023

Work-Product

Board Operations Manager, AFBCMR

Signed by:

Work-Product

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