

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2019-03682

XXXXXXXXXXXXXX

COUNSEL: XXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, DD Form 214, *Report of Separation from Active Duty*, be updated to reflect the following awards:

- a. Meritorious Service Medal (**Will be administratively corrected**)
- b. Purple Heart
- c. Air Force Organizational Excellence Award
- d. Williams Award for Air Weather Service

APPLICANT'S CONTENTIONS

He earned the Air Force Organizational Excellence Award while he was assigned to USAFETAC, Scott AFB, Illinois, during the period of 1975 – 1976. The Purple Heart was never awarded. On 28 Apr 67, while on temporary duty as the senior weather observer at **Work-Product**, the base came under rocket attack. Afterwards, he discovered a 3-inch wound on his right shin. The medic was busy assisting others, so he proceeded to the shower, cleaned the wound and was told to get a medical form for the Purple Heart. He was unable to locate the medic to get the form prior to his departure from **Work-Product** and returning to **Work-Product**. When he arrived at Da Nang, he reported the incident and the Detachment Commander, who was not concerned, said he needed to get two people to sign the form attesting to the conditions. However, he left Vietnam in the last week of Jan 68 before he had the opportunity to file the necessary paperwork. As his career continued, he realized that not receiving the medal may have impacted his promotions. After fretting over this for years, he feels he must submit a request for self-satisfaction.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force technical sergeant (E-6).

According to AF Form 910, *TSgt, SSgt and Sgt Performance Report*, ending 30 Jul 76, the applicant was assigned to USAFETAC, Scott AFB, Illinois.

On 20 Apr 20, the Air Force Personnel Center (AFPC) Recognition Team informed the applicant they were able to verify award of the Meritorious Service Medal. They also advised him the Williams Award for Air Weather Service is a base level award; therefore, is not authorized on the DD Form 214. Furthermore, they were unable to verify award of the Air Force Organizational Excellence Award and the Purple Heart. The applicant was informed the Purple Heart Review Board (PHRB) has the authority, on behalf of the Secretary of the Air Force, to determine a veteran's award for Purple Heart. Each request is considered based on the policies

and criteria in use at the time the veteran was injured, and the determination is dependent on the documentary evidence presented. In order to present his request, to the PHRB, the applicant was informed he was required to provide specific information pertaining to his injury. They informed the applicant if AFPC did not receive additional documents pertaining to his request for the Air Force Organizational Excellence Award or the Purple Heart within 30 days, his case would be referred to the Board.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

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*. 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.

Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*. The Air Force Organizational Excellence Award was established by the Secretary of the Air Force in Aug 69, to recognize the achievements and accomplishments of Air Force organizations or activities. The Air Force Organizational Excellence Award is awarded to Air Force internal organizations that are entities within larger organizations. The organizations are unique, unnumbered organizations or activities that perform functions normally performed by numbered wings, groups, squadrons, etc. The following types of organizations are eligible for consideration: unnumbered organizations, such as Major Command headquarters, Field Operating Agencies, Direct Reporting Units, centers, and any other unnumbered organization; office of the Secretary of the Air Force and Air Force Chief of Staff, Head Quarters Air Force (HAF) Secretariat and Assistant Chief of Staff offices (i.e., all two-digit office symbol organizations on HAF); each Air Force level school, academy college, and Air Force Reserve Officer Training Corps detachments; and similar U.S. Armed Forces services organizations or activities (except DoD joint activities).

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying award of the Purple Heart, Air Force Organizational Excellence Award and the Williams Award for Air Weather Service. After a thorough review of the applicant's submission and official military record, they were unable to verify the applicant's eligibility for award of the Air Force Organizational Excellence Award and the Purple Heart. An AFPC Recognition Team memorandum was sent to the applicant on 20 Apr 20, requesting documentation to support his request for the aforementioned awards. In addition, the applicant was informed the PHRB has the authority, on behalf on the Secretary of the Air Force, to determine a veteran's eligibility for award of the Purple Heart and that determination is dependent upon the documentary evidence presented. Further, in order to present his request to the PHRB, the following information is required: A detailed account of the circumstance surrounding his injury; Medical documentation to substantiate that medical treatment was

received; and an eyewitness account from an individual who saw him injured and can attest to the circumstances surrounding his personal account. As of the date of their evaluation, the applicant has not submitted any documentation to support his request. Furthermore, The Williams Award for Air Weather Service is a base level award and therefore is not an authorized entry on the DD Form 214. To grant relief would be contrary to the criteria established by DoDM 1348.33, *Manual of Military Decorations and Awards*, and AFMAN 36-2806.

Notwithstanding, they were able to verify the applicant's eligibility for award of the Meritorious Service Medal. Accordingly, the applicant's record will be administratively corrected following the Board.

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 5 Nov 21 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed.
2. The applicant did not exhaust 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 Board concurs with the 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 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, other than the administrative correction that will be made to the applicant's record, 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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2019-03682 in Executive Session on 17 Mar 22:

- , Panel Chair
- , Panel Member
- , Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 17 Jul 19.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 9 Oct 21.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 5 Nov 21.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

X

Board Operations Manager, AFBCMR