

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-01706

COUNSEL: [REDACTED]

HEARING DESIRED: YES FEB 5 1999

APPLICANT REQUESTS THAT:

His records be corrected to reflect award of the Medal of Honor.

APPLICANT CONTENDS THAT:

He was recommended for award of the Medal of Honor for gallantry and intrepidity in action on 15-16 July 1945. The original recommendation was believed to have been destroyed by a severe tropical storm and never arrived at higher headquarters after the 90th Bomb Group relocated.

In support of his appeal, the applicant provided a statement from counsel, supportive statements, copy of a resubmitted recommendation for award of the Medal of Honor, and other documents associated with the matter under review.

Applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

A WD AGO Form 53-55, Enlisted Record and Report of Separation, indicates that the applicant was inducted into the Army of the United States (Air Corps), on 29 Jan 44 and entered active duty on 12 Mar 44 as an aerial gunner. He performed duties in the Asiatic-Pacific Theater of Operations from 17 May 1946 until 7 January 1946. He was progressively promoted to the grade of staff sergeant.

By Department of the Air Force General Order 74, dated 15 Sep 55, the applicant was awarded the Distinguished Flying Cross for extraordinary achievement while participating in aerial flight on 15 Jul 45. He was also awarded the Air Medal for meritorious achievement while participating in aerial flight from Mar 45 to Jun 45 by the same order.

He was honorably discharged from the Army of the United States because of demobilization on 1 Feb 46. He had served 1 year, 10

months and 20 days on active duty. He had participated in the Borneo, Philippines Islands, China, New Guinea, Bismark Archipelago, and Western Pacific battles and campaigns. His separation document indicates that he was entitled to the Purple Heart Medal, the Asiatic-Pacific Service Medal with 5 Bronze Stars, Philippine Liberation Service Medal with 1 Bronze Star, World War II Victory Medal, and the American Theater Campaign Medal.

AIR FORCE EVALUATION:

The Recognition Programs Branch, AFPC/DPPRA, reviewed this application and recommended denial. According to DPPRA, the applicant has been previously informed that he had already been awarded the Distinguished Flying Cross for his actions on 14 Jul 45 and could not be recommended for or receive another decoration for those actions.

A complete copy of the DPPRA evaluation, with attachment, is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

By letter, dated 30 Jul 97, counsel requested that no action be taken on the applicant's case until prior to the submission of additional documentary evidence. However, counsel indicated that it was his understanding that any award to an individual for a military decoration may be upgraded upon submission of proper evidence and proof that the records are in error (Exhibit E).

Counsel provided additional documentary evidence for the Board's consideration which is attached at Exhibit F.

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 probable error or injustice. We note that the Secretary of the Air Force is not the approving authority for the Medal of Honor, and, that this Board may only make a recommendation to the approving authority that the applicant be awarded the Medal of Honor. Notwithstanding this fact, after reviewing the evidence presented, we agree with the

opinion and recommendation of the Air Force office of primary responsibility (OPR) and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. We are not unappreciative of the applicant's actions in the service of the Nation. However, since he was previously recognized for his extraordinary achievement for the period in question and we have seen no persuasive evidence that his actions meet the criteria in 1945 for award of the Medal of Honor, the applicant's request for award of the Medal of Honor is not favorably considered.

4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.

THE BOARD DETERMINES THAT:

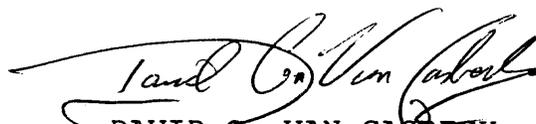
The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 20 Oct 98, under the provisions of AFI 36-2603:

Mr. David C. Van Gasbeck, Panel Chair
Mr. Richard A. Peterson, Member
Mr. Jackson A. Hauslein, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 2 Jun 97, w/atchs.
Exhibit B. Applicant's Master Personnel Records.
Exhibit C. Letter, AFPC/DPPRA, dated 26 Jun 97.
Exhibit D. Letter, SAF/MIBR, dated 14 Jul 97.
Exhibit E. Letter, counsel, dated 30 Jul 97.
Exhibit F. Letter, counsel, dated 14 Aug 97, w/atchs.


DAVID C. VAN GASBECK
Panel Chair