

JUL 02 1998

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03117

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

He be awarded the third oak leaf cluster (3OLC) to the Air Medal.

APPLICANT CONTENDS THAT:

He was eligible for the 3OLC but did not receive it. The 22 combat missions he flew qualified him for the award of the 3OLC to the Air Medal. The group personnel section of the [REDACTED] Group failed to submit the proper recommendation to Headquarters [REDACTED] Air Division for a 3OLC to the Air Medal for him. He asked about the omission while still assigned to the 94th Bomb Group in Jun 45 but was told by responsible personnel that, although he was properly entitled to a 3OLC, there was not sufficient time at that date to have the recommendation processed by higher headquarters because he was then on a list of personnel to be rotated back to the United States. After his return to the United States, he inquired about a request for the 3OLC and was promptly informed that the Replacement Depot had no authority to initiate such a request and since he was being processed for release from active duty, there was no way such a request could be considered.

In support of his appeal, the applicant provided a personal statement, copies of his enlistment and discharge records, and copies of his flight records.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

Documentation provided by the applicant reflects that he enlisted in the Army of the United States on 28 Apr 41. He served in active Federal Service, Air Corps, from 12 Dec 41 to 19 Jan 46 (he served in [REDACTED] from 7 Aug 44 to 28 Aug 45) in the grade of major. He flew 22 combat flight missions while assigned to the 331st and 3rd [REDACTED] Bomb Squadrons. He was awarded the Distinguished Flying Cross, the Air Medal with 2OLCs, [REDACTED] Theater of

Operations (ETO) Ribbons with 4 Battle Stars, 2 Overseas Service Ears, and American Theater Ribbon.

On 19 Jan 46, the applicant was released from the Air Corps in the grade of major. He was credited with 3 years and 17 days of active service and 1 year and 21 days of foreign service.

On 23 Feb 51, the applicant was recalled from inactive duty to the Guard (Selected Reserve) in the grade of lieutenant colonel.

On 27 Apr 52, the applicant was honorably discharged from the Air Force Air National Guard (ANG) under the provisions of AFR 36-22 (Release From Active Duty) in the grade of lieutenant colonel. He was awarded the Armed Forces Reserve Medal. He was credited with 11 years of active service.

AIR FORCE EVALUATION:

The Recognition Programs Branch, AFPC/DPPRA, reviewed this application and indicated that the applicant did not provide any documentation to show that he was recommended in writing within two years of the service performed or that the recommendation was submitted into official channels. He indicated that he made verbal inquiries on two occasions but never submitted a written request for consideration of the additional decoration. He has provided no documentation to show that he went through administrative channels at any time to inquire as to his eligibility/entitlement to the SOLC to the Air Medal. Because the applicant has waited over 51 years without making a written inquiry regarding the status of this decoration, there are no longer any records or personnel who were involved available for review or inquiry. In fact, the unit(s) and chain of command no longer exist. It is no longer possible to ascertain whether or not the applicant was eligible for an additional decoration for aerial achievements. DPPRA recommends denial of the applicant's request.

A complete copy of the Air Force evaluation is attached at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to applicant on 3 Nov 97 for review and response. As of this date, no response has been received by this office.

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. After a thorough review of the evidence of record and applicant's submission, we are not persuaded that he should be given the 30LC to the Air Medal. His contentions are duly noted; however, we do not find these uncorroborated assertions, in and by themselves, sufficiently persuasive to override the rationale provided by the Air Force. We therefore agree with the recommendation of the Air Force and adopt the rationale expressed as the basis for our decision that the applicant has failed to sustain his burden that he has suffered either an error or an injustice. Therefore, we find no compelling basis to recommend granting the relief sought.

THE BOARD DETERMINES THAT:

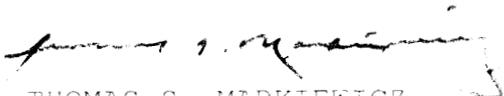
The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence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

The following members of the Board considered this application in Executive Session on 11 June 1998, under the provisions of Air Force Instruction 36-2603:

Mr. Thomas S. Markiewicz, Panel Chair
 Mr. Robert W. Zook, Member
 Ms. Olga M. Creerar, Member
 Mrs. Joyce Earley, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 1 Oct 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPRA, dated 27 Oct 97.
- Exhibit D. Letter, AFBCMR, dated 3 Nov 97.


 THOMAS S. MARKIEWICZ
 Panel Chair