

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00153

COUNSEL: NONE

HEARING DESIRED: NO

FEB 19 1999

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APPLICANT REQUESTS THAT:

He be awarded the Air Medal, Seventh Oak Leaf Cluster (AM, 7 OLC) .

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APPLICANT CONTENDS THAT:

He should have been awarded the AM, 7 OLC, for destroying an enemy aircraft on 2 April 1944: however, the information was never documented in his records, nor included on his discharge certificate.

In support of the appeal, applicant submits a copy of the narrative report of the 2 April 1944 mission.

The applicant's complete submission is attached at Exhibit A,

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STATEMENT OF FACTS:

The applicant records were destroyed in the 1973 fire at the National Personnel Records Center; therefore, the following information has been obtained from the documents submitted by the applicant,

On 22 December 1942, the applicant was inducted into the Army Air Corps and entered active duty on 31 December 1942. He performed duty as an Airplane Armorer Gunner and was awarded the Air Medal, with Sixth Oak Leaf Cluster (AM, 6 OLC).

On 30 September 1945, the applicant was honorably discharged under the provisions of AR 615-365 (Convenience of the Government) in the grade of staff sergeant. He completed 2 years, 2 months and 7 days of active service, with 6 months and 22 days of foreign service.

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AIR FORCE EVALUATION:

The Recognition Programs Branch, AFPC/DPPRA, reviewed this application and states that since the applicant's records have been destroyed, and there is no documentation to show the date(s) for which the Air Medal and Oak Leaf Clusters were awarded during World War II, they cannot verify whether or not he has already received recognition for the 2 April 1944 shooting down of an enemy aircraft. The applicant has failed to provide sufficient documentation to substantiate his claim that he is entitled to any additional Oak Leaf Clusters to the Air Medal or any other additional awards or decorations. Therefore, they recommend denial of his request.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluation and states that he has provided a letter which is proof that he destroyed an ME-109 on 2 April 1944.

The applicant's complete response, with attachment, is attached at Exhibit D.

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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 thoroughly reviewing the evidence of record and noting the applicant's contentions, we are not persuaded that he should be awarded the AM, 7 OLC. The applicant contends that based on the documentation he has provided which indicates that he shot down an ME-109 on 2 April 1944, he should have been awarded the AM, 7 OLC. However, we find no evidence the applicant should have been automatically awarded the AM, 7 OLC, based on the destruction of an ME-109 on 2 April 1944. To the contrary, we note that during World War II, the applicant's numbered Air Force (14<sup>th</sup> Air Force) was awarding AMs upon the destruction of 3 enemy aircraft. In view of this, and based on the evidence of record, we do not believe he has been the victim of an error or injustice. The personal sacrifice the applicant has endured for his country is

noted and our decision should in no way lessens his service; however, insufficient documentary evidence has been presented to warrant awarding him the AM. 7 OLC. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

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**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.

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The following members of the Board considered this application in Executive Session on 1 October 1998, under the provisions of AFI 36-2603:

Mr. Thomas S. Markiewicz, Panel Chair  
Mr. Robert W. Zook, Member  
Mr. Edward H. Parker, Member  
Mr. Phillip E. Horton, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 21 Nov 95, w/atchs.
- Exhibit B. Letter, AFPC/DPPRA, dated 13 Feb 98, w/atchs.
- Exhibit C. Letter, SAF/MIBR, dated 9 Mar 98.
- Exhibit D. Letter, Applicant, dated 13 Mar 98, w/atch.

  
THOMAS S. MARKIEWICZ  
Panel Chair