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CASE NO. **FC-95-03539** **130998**
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 ISSUES ADDRESSED



DEPARTMENT OF THE AIR FORCE

SEP 22 1998

Office of the Assistant Secretary

AFBCMR 95-03539

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that he was awarded the Purple Heart for injuries he received as a direct result of enemy action on 30 November 1944 at [REDACTED]


JOE G. LINEBERGER
Director
Air Force Review Boards Agency

ADDENDUM TO
RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 95-03539

SEP 22 1998

COUNSEL: NONE

HEARING DESIRED: NO

RESUME OF CASE:

On 11 March 1997, the Board considered applicant's requests that his records be corrected to show, that he was promoted to the grade of staff sergeant, and he be awarded the Purple Heart (PH). The Board found insufficient evidence of error or injustice and denied the applicant's request. A complete copy of the Record of Proceedings is attached at Exhibit K.

In a letter, dated 11 June 1998, the applicant provided additional documentation and requested reconsideration of his requests. Applicant's complete submission is attached at Exhibit L.

THE BOARD CONCLUDES THAT:

1. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice to warrant awarding the applicant the Purple Heart (PH). In support of his request the applicant has provided eyewitness statements indicating that he was injured by a bomb blast during a Japanese bombing on [REDACTED]. In view of these statements, we believe he has provided sufficient evidence that he was injured as a direct result of enemy action on 30 November 1944.
2. Insufficient relevant evidence, has been presented to demonstrate the existence of probable error or injustice to warrant the applicant's promotion to the grade of staff sergeant prior to his discharge. It is unfortunate the applicant's record were destroyed by fire in 1973 at the National Personnel Records Center, and he has been unable to obtain documentation to substantiate that he should have been promoted to the grade of staff sergeant. However, the existing evidence of record indicates the highest grade the applicant held prior to his separation was corporal and he has provided no evidence to the contrary. Therefore, we find no compelling basis to recommend granting the relief sought in this application.

THE BOARD RECOMMENDS THAT:

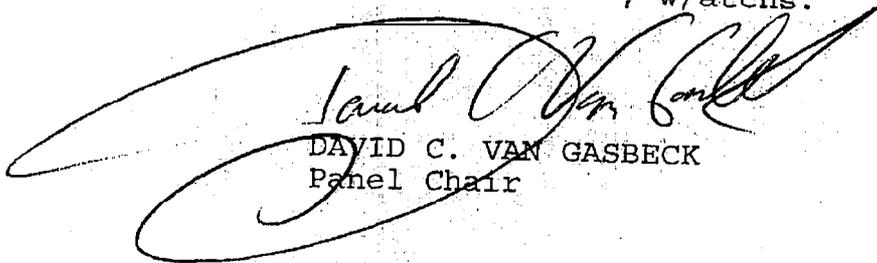
The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that he was awarded the Purple Heart for injuries he received as a direct result of enemy action on 30 November 1944 at [REDACTED]

The following members of the Board considered this application in Executive Session on 13 September, 1998, under the provisions of AFI 36-2603:

Mr. David C. Van Gasbeck, Panel Chair
Mr. Michael P. Higgins, Member
Mr. Richard A. Peterson, Member
Mr. Phillip E. Horton, Examiner (without vote)

All members voted to correct the records, and recommended. The following documentary evidence was considered:

Exhibit K. Record of Proceedings, dated 21 Apr 97, w/atchs.
Exhibit L. Letter, Applicant, dated 11 Jun 98, w/atchs.


DAVID C. VAN GASBECK
Panel Chair