information did affect your decision, the proposed action will need to be modified. Further, if you conclude that Major Harris' status should not be changed, you should disapprove the finding and recommendation. In that event a new action will be provided for your use in announcing that decision.

FRANKLIN P. PIATTEN, Lt Colonel, USAF
Deputy Staff Judge Advocate

I have reviewed the transcript of record, the unclassified evidence introduced at the hearing, and the foregoing legal review. I concur in the opinions and conclusions expressed therein. I recommend that you approve the finding and recommendation of the board.

STANLEY L. ROBERTS, Colonel, USAF
Staff Judge Advocate

1. Preface: A status review in the above case was held in accordance with Chapter 10, Title 37, United States Code, by the undersigned at the Air Force Manpower and Personnel Center, Randolph Air Force Base, Texas. In determining whether the missing in action status should reasonably be continued or terminated by a determination of death, reconsideration was given to the facts and circumstances as warranted by the signing of the Paris Peace Agreement, 27 January 1973, the general repatriation of prisoners of war, the cessation of United States involvement in hostilities in Southeast Asia, and the lapse of time without information. In addition, information submitted by the next of kin was considered.

2. Discussion: The review and reconsideration of all the facts and circumstances (summarized and attached hereto), the casualty, Joint Casualty Resolution Center and Defense Intelligence Agency files and the information submitted by the next of kin, resulted in a determination that it is not possible to conclusively establish the member's ultimate fate. However, the likelihood that he is still alive may no longer reasonably be considered since he has not been repatriated, sufficient time has elapsed during which it is believed some word would have been received if he had survived, and he cannot otherwise be accounted for. Accordingly, with respect to the above and in the absence of any information to support a presumption of his continued survival, it is concluded that he may now no longer reasonably be presumed to be alive.
1. Recommendation: It is recommended that, pursuant to the authority contained in Section 555, Title 37, United States Code, an administrative determination be made that Colonel Donald G. Fisher, (Date) was killed in action. It is further recommended that the casualty report issued as a result of this action include a statement that the determination was made following a subsequent review of all available information and, as provided by and for the purpose of the law, the date death is presumed to have occurred is the date the Secretary’s designee approves this recommendation. Death is held to have occurred while in a pay, flying pay, and duty status.

4. Pursuant to authority delegated to you by the Secretary of the Air Force under the provisions of Chapter 10, Title 37, United States Code, request your review and approval.

Signed
JACK H. TOMES, Colonel, USAF
Reviewing Officer

Signed
JOSEPH I. WERNER, Colonel, USAF
Reviewing Officer

Signed
HENRY VICKELLO, JR., Colonel, USAF
Reviewing Officer

4 Atch
1. Summary of Facts and Circumstances
2. Disclosure of Decision Form
3. Ltr from Mrs. Fisher, 15 May 79 w/3 Atchs
4. HQ APMPC/MPCCB Ltr to Mrs. Fisher, 24 May 79

Cy to: HQ USAF/MPY

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DISCLOSURE OF DECISION
CONCERNING RIGHTS AFFORDED BY THE SECRETARY OF THE AIR FORCE IN CONNECTION WITH HIS REVIEW OF THE CASE OF

COLONEL DONALD G. FISHER, Date

We understand that the Air Force will upon (my, our) completion of this form proceed with a review of the case of the service member named above who is (my, our)

We understand the rights which have been afforded to (me, us) and have indicated by checking the appropriate block the rights desired in connection with the review to be made.

(Please check one of the boxes below)

I. ☐ Hearing Rights: (I, We) desire to attend the review hearing, and understand that a civilian attorney may attend the hearing with (me, us). (I, We) desire reasonable access to the information upon which the review will be based. A summary of the information which (I, we) desire to be considered at the review hearing (is, is not) attached.

II. ☐ Waiver of Hearing: (I, We) hereby waive (my, our) right to attend the review hearing.

III. ☑ Waiver of Hearing With Right to Submit Information: (I, We) hereby waive (my, our) right to attend the review hearing but have attached information which (I, we) desire to be considered at the review hearing.

Signature(s) Relationship to Serviceman Named Above Date

 addr. (Date) Legal spouse and alt. signature

Mail completed form to: APMPC/MPCCB
Randolph AFB TX 78148

2-9 30 Dec 76

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Atch 1
SUMMARY OF FACTS AND CIRCUMSTANCES

1. The following personnel comprised the crew of an AC-130 aircraft:

- Colonel William L. Brooks  
  - Aircraft Commander
- Colonel Charlie B. Davis, Jr.  
  - Navigator
- Colonel Donald G. Fisher  
  - Navigator
- Colonel  
  - Pilot
- Chief Master Sergeant  
  - Flight Engineer
- Senior Master Sergeant Thomas Y. Adachi  
  - Aerial Gunner
- Senior Master Sergeant Ronnie L. Hensley  
  - Illuminator Operator
- Senior Master Sergeant  
  - Aerial Gunner
- Master Sergeant Eugene L. Fields  
  - Aerial Gunner
- Technical Sergeant Stephen W. Harris

2. The crew departed Ubon Airfield, Thailand, at 0043, 22 April 1970, on an armed reconnaissance mission over the southern part of Laos. On arrival in the assigned area, the AC-130 aircraft was joined by two escort fighters. Visibility was two to five miles with some haze and a full moon. At approximately 0150, enemy antiaircraft shells burst around the aircraft and attempts were made to suppress the ground fire. However, at about 0159, while in its fourth pass over the target, at an altitude of approximately 7,500 feet, the AC-130 was struck on the left lower rear section of the fuselage near the tail. A crew member reported twice that the aircraft had been hit. No further transmissions were heard from the crew while the aircraft was airborne. A fighter crew observed the AC-130 on fire, but apparently under control. A few seconds before the aircraft crashed, a large unidentified object, suspected to be the left wing, separated from it. The aircraft exploded on impact at a point about 31 miles northwest of Chavane, Laos, in a densely forested, hostile area. No parachutes were seen nor signals immediately received which would indicate anyone abandoned the aircraft.

3. Search and recovery forces were alerted and rescue aircraft were dispatched to the crash site area. Within three to five minutes after the aircraft crashed, an emergency beeper signal was heard and voice contact was established with Sergeant Fields, who was recovered at 0730. A visual and electronic search was conducted; however, it was terminated at 1500 due to the lack of contact with any of the other downed crew members. During this period the actual crash site was not located.

4. Sergeant Fields reported that he and the illuminator operator attempted to extinguish the fire which was being fed by flammable flare markers. However, because of the intense heat and dense smoke, they were forced to retreat. The two men collided, but they had no further contact. Sergeant Fields, unable to see due to the thick smoke, felt his way to the right scanner window, snapped on an auxiliary parachute, and exited through the window. He has no knowledge of any other survivors.

5. In accordance with the provisions of Section 555, Title 37, US, the personnel listed in paragraph one as missing in action (except Sergeant Fields, RMC, 22 Apr 70) were continued in a missing status at the expiration of the initial 12-month period of absence. No accounting for these members was ever received from the North Vietnamese government or its allies, and their names never appeared in the prisoner communication channels which proved to be reliable. In addition, no information pertaining to them has ever been obtained from any other official or unofficial source.
Gentlemen, in addition to the features in common the pathologist... 

he compared all my photos to the original still photo of FOW 77, I see the resemblance of a very high nose bridge common to both, and the slope of the shoulders looks very similar to me.

I asked the pathologist what was this white thing on photo no. 77's forehead. He said it appeared to be a crude bandage.

I did not suggest the possibility of burns to the pathologist, but asked him in his opinion this is on his hands. He answered that it could be Kline bandages if were burned, or gloves of some sort. He felt, if he had been recently burned, the arm-down position of FOW 77 would be a very painful position.

Sirs, my husband's hair in the photo I am providing you is longer than he normally wore it. His curly hair showed up better in the two additional photos I provided the DIA. I have often seen his hair in disarray and looking very much like FOW 77. My husband mentioned in a letter written approximately 2 weeks before his plane was lost that he had had a haircut that day.

FOW 77 is slightly slimmer than the photo of my husband. My husband had lost 10 pounds while overseas by daily jogging, quite often at noon. He wanted to be in the best possible physical condition as he stated to me that his life could certainly depend on it.

My husband had purchased a flight suits in Thailand. One black flight suit, 1 party flightsuit (color unknown to me), and 2 green (camouflage) flight suits were mentioned in a letter he wrote me. The black suit, and one green (camouflage) suit came back with his personal effects. I do not know why the party flight suit was not sent back, and one green (camouflage) suit did not come back. I do not know positively what he was wearing when he became missing.

I have no idea what the 2 light-colored marks are at the waist area of FOW 77's flightsuit. I have personally never seen my husband in a pair of flight gloves at any time. I have no idea if he customarily used flight gloves nor do I know the color flight gloves he would have used, had he been required to wear them in his mission.

FOW 77's clothing does appear to me to be a flight suit because of the diagonal markings indicating zipper pockets on the chest, and the front of his clothing appears to be two sections joined by a zipper. I do not see any insignia whatsoever.

Sirs, I could not positively identify FOW 77 as my husband in 1971, when the filmstrip was brought to me by the Air Force. I cannot positively identify FOW 77 today as my husband. My husband's eyes are his most identifiable feature and are very blue Irish eyes with thick black eyelashes. FOW 77 does not ever open his eyes on the filmstrip. I would give the world if just once, he had. You must surely see yourselves that the resemblance is pronounced enough without seeing his eyes that were George Washington himself to say to an Air Force in under such circumstances as I find myself, that the filmstrip was made in 1968 and at Mount Vernon in 1969, she would have to ask him respectfully... Sirs, are you sure? Are you positive? Have you seen my picture? Even after seeing my picture, are you still sure?
on the ground, which I only learned of this past year, the once existence, of a voice tape that is now described as impossible to find, a classified plane and mission, the absence of Laos, the persistent repetition of reports from Southeast Asian refugees that some of our men have been left behind, (both eyewitness and hearsay after the fall of Saigon in 1975), 10,000 pages of information recently released by the Defense Department uncorrelated to specific individuals, and no indication from the Defense Intelligence Agency that the information provided therein is untrue, merely that it is unconfirmable at this time, a very favorable eyewitness statement, and a good category for an accounting. This has been a very difficult year for me. I am being asked to accept an awful lot of sheer faith in my country alone, with the alternative being an appeal of "properly classified" material. I will not appeal. As to my decision on this matter I submit a copy of the last speech my husband made on Flag Day in 1969. I pray that my measure of faith, and my husband's devotion to his country are worth my trust. I personally will wait faithfully for my husband as long as there is a shadow of a doubt that he might still live.

Sincerely and respectfully,

Nelle K. Fisher, wife of Col. Donald G. Fisher

MIA, Laos, 1970

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Status Review Board

on

Donald G. Fisher, Col.

Sirs?

The attached are copies of documents I received from government agencies within the past year under the Freedom of Information Act, regarding the incident in which my husband, Colonel Donald G. Fisher became missing in action. I wish to point out that they may not be in proper order. I have read them over and over, as have my children, and the clip holding them together long ago worked loose. I am at a loss as to how to reassemble them in the exact sequence as they came to me. Feel free to re-staple them in proper sequence, as you surely must be familiar with military orders and abbreviations. I am not.

I do wish to include them, and a selection of documents from my husband's Casualty Branch file, and draw your attention to the parts I have underlined, circled or written notes on, as my husband's call sign, listed in the Biographic Site Report and Sgt. Fields (the survivor) call sign became confused at some point on the night of April 22, 1970, either on the ground after bail-out of whatever number of personnel managed to escape this inferno, or prior to take-off.

I'm sure you can understand that this call number confusion, and frequent referral to personnel plural) and beeper(s plural) cause me concern, especially since the voice tape is unavailable to me.

I did not ask to hear the tape for the purpose of gaining classified information. I simply had heard last summer for the first time that there was a voice tape, and I felt I could positively identify my husband's voice beyond a shadow of a doubt. I do not know if the tape has been lost in the meantime or is unavailable. I hope you can understand this basic human desire on the part of a wife to try to turn over every stone to establish facts in a 9 year mystery.

Do you have any explanation for Sgt. Adachi (scanner who was not in his seat when Sgt. Fields exited the plane from the scanner's window) being listed as voice-contact, injured?

This has been a very long mission, and evidently, a very difficult one to report on to the next-of-kin. There is information I cannot have for the protection of the National Security. I will not appeal this, as I have been told it is properly classified. My husband, I know, would not have me appeal, could he speak, and I will not. I would hope, that you gentlemen have access to that material in your deliberation of my husband's status review.

I am including photos of my husband and POW 77 (still unidentified POW, Southeast Asia) for your viewing and discussion.

I want to make perfectly clear that I am not going to waive my rights as to the submission of this material to the board of officers whose duty it is to review my husband's case. And I do not ask, as his next of kin, that his status be changed to presumptive finding of death. I have read my husband's files until they are in pieces. I have studied them. I lay pertinent points,
discrepancies I observed in studying his files, and an inconsistency in the
statements of the survivor of this incident as to the condition of the
doors to the booth where my husband was working, and his mode of egress
from the rear of the plane to the scanner's window. I feel a profound
sense of moral obligation to do this on my husband's behalf. I bring
out each of these points in his files in an effort to shed the most light
available on the fate of my husband. He cannot speak for himself. I have
attempted to be as objective as I can. The decision to continue to carry my
husband in a missing-in-action status or to presume him to no longer be alive
is in your hands, Mrs. Yours is a serious and great responsibility. I had
no voice in the decision to classify him as MIA on April 22, 1970, nor the
continuation of that classification until the present date. I consider this
decision to properly belong to the Status Review Board and the Secretary of
the Air Force, who have all the facts of my husband's case, and are in a position
to clarify the discrepancies I found.

I want to make it a part of his official Air Force record, that I deeply
appreciate all the kindness and patience that the Air Force personnel have shown
me over the past trying years, more patience, I'm sure than I deserve.

Sincerely,

Nelle E. Fisher

Nelle E. Fisher