



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 3364-98

6 May 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 May 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

It appears from the Navy and Marine Corps Awards Manual that the Purple Heart was not authorized for the Navy until 3 December 1942. Apparently up to that time it was only an Army award. The regulations which came into effect at that time state in pertinent part as follows:

... The Secretary of the Navy is authorized and directed to award the Purple Heart in the name of the President of the United States to persons who, while heretofore or hereafter serving in any capacity with the Navy, Marine Corps or Coast Guard of the United States, are wounded in action against an enemy of the United States, or as a result of an act of such enemy, provided such wound necessitates treatment by a medical officer.

... for the purposes of awarding the Purple Heart, a wound is defined as an injury to any part of the body from an outside force, element, or agent sustained as a result of a hostile act of the enemy or while in action in the face of the enemy.

In reaching its decision the Board noted that the Purple Heart was not authorized for issuance to the Navy until 3 December 1942 and there is no evidence that you applied for the Purple Heart at that time or any other time until the late 1980's. This lengthy delay certainly reduced the possibility that necessary records would be available for review. Based on your uncorroborated statement that you were injured on 8 December 1941 the day after the attack on Pearl Harbor and in view of the absence of any evidence that you were wounded and were treated by a medical officer, the Board concluded that the evidence of record does not support the award of the Purple Heart under the provisions of the 3 December 1942 regulations.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director