



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 549-01
19 July 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 18 July 2001. 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. In addition, the Board considered the advisory opinion furnished by the Chief of Naval Operations dated 29 May 2001, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO
Ser 09B13/1U517078
29 May 2001

From: Chief of Naval Operations (N09B13)
To: Chairman, Board for Corrections of Naval Records
Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN THE CASE OF
EX-SN [REDACTED] USN, [REDACTED]
Ref: (a) BCNR ltr AEG:jdh Docket No: 549-01 of 6 Mar 01
(b) 10 U.S.C. 1552
Encl: (1) BCNR File
(2) Service Record
(3) Medical Record

1. As requested by reference (a) and in accordance with reference (b), the Chief of Naval Operations has reviewed subject man's case for eligibility determination for the Purple Heart for an injury to his left ring finger while in Vietnam in May 1968.
2. In accordance with Executive Order 11016, before the Purple Heart can be approved, there must be adequate documentation that a service member was wounded as a result of enemy action. While the requirement for enemy action may seem stringent, it is considered essential to maintaining the integrity of this important decoration. Mr. [REDACTED] indicated that he injured his left ring finger when he dropped heavy equipment while under mortar attack. A review of Mr. [REDACTED] medical and service records failed to confirm that the injury was sustained as a result of enemy action; therefore the Purple Heart cannot be awarded. When the service and medical records do not confirm this fact, we will reconsider upon receipt of sworn affidavits from two eyewitnesses who have personal knowledge of the injury and circumstances surrounding the incident. Eyewitnesses should provide to this office their full name and address, relationship to Mr. [REDACTED] at the time of the incident, unit assigned and their personal account of the incident.
3. Enclosures (1), (2), and (3) are returned.

By direction

JUN 15 2001