



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

CRS
Docket No: 1074-01
2 November 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 31 October 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 Headquarters Marine Corps dated 18 September 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
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1650
MMMA-3
18Sep01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Subj: REQUEST FOR ADVISORY OPINION(S) IN THE CASE OF [REDACTED]
[REDACTED] FORMER MARINE

1. [REDACTED] is entitled to the following awards for his
service in the U.S. Marine Corps:

Combat Action Ribbon for service in Vietnam

Presidential Unit Citation awarded to 3rd Marine Division
for service in Vietnam for the period March 8, 1965, to
September 15, 1967

Good Conduct Medal for service from August 1, 1962, to
July 31, 1965

National Defense Service Medal

Armed Force Expeditionary Medal for service in the
Dominican Republic

Vietnam Service Medal with two bronze stars

Republic of Vietnam Meritorious Unit Citation
(Gallantry Cross Color with palm)

Republic of Vietnam Campaign Medal

Rifle Marksman Badge

Pistol Marksman Badge

2. The Republic of Vietnam personal decorations were awarded by
decree issued by a level of command of the Republic of Vietnam
Armed Forces to members of the United States Armed Forces who
were cited by their commanding officer for their actions in
combat or contributions against Communist aggression. Since
there is no evidence that he was ever recommended for or awarded
a personal decoration by the Vietnamese government, he is not
entitled to any foreign personal award and there is no further
action that can be taken.

3. As a matter of information, there is no personal decoration known as the Medal of Valor, which was awarded by the Vietnamese government.

4. During the period he served in the Marine Corps, the Purple Heart was authorized for award to those who were wounded or injured as a direct result of action by an enemy of the United States or an opposing armed force of a foreign country in which the Armed Forces of the United States was engaged.

5. Regrettably, a review of his service and medical records, and the records at this Headquarters failed to reveal any evidence that the enemy wounded him in action. Statements from the Veterans Administration doctors are not acceptable as eyewitness statements, they were not present and cannot attest to the circumstances involved.

6. Since there is no indication in the records that he was injured under conditions, which would qualify him for the Purple Heart award, regulations require that he obtain eyewitness statements. The eyewitness statements can be from the medical personnel who treated him in the field or two other personnel who were present at the time he was injured. Statements should contain the time, place, medical attention received, and verification that the injury was a direct result of enemy action. If he can provide the above information, further consideration will be given to his request.

7. We do not intend to challenge the veracity of his statement concerning the injury, it is absolutely necessary that some documentation be provided to verify his entitlement. I realize that it will be difficult to obtain eyewitness statements due to the length of time that has elapsed. This Headquarters is keenly aware of the fact that there are undoubtedly many cases of Marines who sustained injuries, which might qualify them for the Purple Heart. In those cases, which cannot be so verified, the eyewitness statements are required.

8. It should also be noted that a service-connected disability does not have to be the result of enemy action. Any injury sustained while on active duty, combat or otherwise, which results in some valid adjudicated disability, warrants appropriate medical care and, in some cases, compensation.

9. This Headquarters does not maintain a listing of former Marines and their addresses. However, he may obtain a listing of the officers and enlisted Marines who were assigned to his former unit by requesting copies of the unit rosters for the period in question from the following address:

Headquarters United States Marine Corps
Manpower and Reserve Affairs
2008 Elliott Road (Code MMSB)
Quantico, VA 22134-5103

10. Should he be able to obtain the names of former Marines that were eyewitness to his injury, you may request assistance in locating them from the below listed organizations:

Mail Call Editor
Leatherneck Magazine
P.O. Box 1977
Quantico, VA 22134
Telephone: 1-800-336-0291
E-Mail: leatherneck@mca-marines.org

Vietnam Veterans of America, Inc.
Vietnam Locator
8605 Cameron Street, Suite 400
Silver Spring, MD 20910
ATTN: Mokie Porter
Telephone: (301) 585-4000
Fax: (301) 585-0519
E-Mail: www.vva.org

11. I regret that a more favorable reply is not possible and I realize that the decision is not what he expected. In no way does it diminish his contributions to this Country and Corps.

12. A point of contact at MMMA is Mr. [REDACTED] @ 784-9210.

[REDACTED]