



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

ELP

Docket No. 1108-00

27 October 2000

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 25 October 2000. 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 Awards and Special Projects Branch in the Office of the Chief of Naval Operations (OP9B33), dated 26 August 2000, a copy of which is enclosed.

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 N09B33/OU518251
26 August 2000

From: Chief of Naval Operations (N09B33)
To: Chairman, Board for Correction of Naval Records

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIO IN THE CASE OF
[REDACTED]

Ref: (a) BCNR ltr AEG;jdh Docket No. 1108-00 of 25 May 00

Encl: (1) BCNR File
(2) Service Record

1. In response to reference (a) concerning SNI's eligibility for the Purple Heart, a thorough and complete review of all submitted documentation, eyewitness statement, and [REDACTED] medical and service records has been conducted. The previous decisions by the Bureau of Naval Personnel is upheld, the Purple Heart may not be awarded in this case.

2. Specifically, within [REDACTED] file case, there is no substantiation of an injury under the conditions which the Purple Heart may be awarded. [REDACTED] statement failed to confirm this fact and appears to have been altered after notarization. [REDACTED] did not provide a required second eyewitness affidavit. In addition, his case file contained conflicting information and statements on the subject of his injury.

3. All enclosures are returned as requested.

[REDACTED]
By direction