



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

ELP  
Docket No. 3530-01  
21 September 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 Navy Records, sitting in executive session, considered your application on 19 September 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.

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.

You enlisted in the Navy on 27 September 1968 for two years at age 19. The record reflects that you were advanced to SA (E-2) and assigned to the USS ENTERPRISE on 26 December 1968.

The medical record reflects that on 14 January 1969 a rocket exploded on board USS ENTERPRISE and you suffered multiple fragment wounds, the loss of four toes on the right foot, and fractures of the left tibia and the third and fourth metacarpals of the left hand. As a result of your injuries, you were medically transferred to an Army hospital for treatment.

On 17 June 1969 a medical board found you physically unfit for duty due primarily to the loss of four toes. You were referred to a physical evaluation board (PEB).

On 24 June 1969 a PEB found you unfit to perform the duties of your pay grade because of physical disability due to the loss of four toes, and fractures of left tibia and the third and fourth

metacarpals to your left hand. Your disability was rated at 50 percent. The Physical Review Council concurred with the PEB recommendations and findings and recommended that you be placed on the Permanent Disability Retired List (PDRL). The PEB was approved and you were transferred to the PDRL with a 50 percent disability rating on 16 September 1969.

The Navy and Marine Corps Awards Manual established the eligibility criteria for the Purple Heart Medal. This regulatory guidance provides that in order to be eligible for the medal, an individual must have been wounded or received injuries as a direct, or indirect result of action against an enemy of the United States.

The Board considered your statement that your ship was about three days out of Hawaii headed for Vietnam when a rocket blew up and you suffered multiple injuries and your contention that you believe you are entitled to the Purple Heart because of your injuries, your honorable service to your country, and the fact that you almost lost your life. However, the Board concluded that the injuries you suffered on 14 January 1969 do not meet the criteria for the Purple Heart Medal. While the Board was sympathetic to your request, the explosion on board the USS ENTERPRISE was not the result of combat action, but was purely an unfortunate accident. 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