



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

TRG  
Docket No: 3551-00  
25 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 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 25 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. In addition, the Board considered the advisory opinion furnished by the Chief of Naval Operations, a copy of which is enclosed and your rebuttal thereto dated 14 September 2001.

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 09B13/1U518186  
7 August 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 [REDACTED]

Ref: (a) BCNR ltr AEG:jdh Docket No: 3551-00 of 15 May 2001  
(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 minor injuries he sustained on November 24, 1944 and January 21, 1945 when he was assigned to the USS HANCOCK (CV 19).

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 direct 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. Being injured during war/combat operations and requiring medical treatment in itself does not justify the awarding of the Purple Heart. 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. [REDACTED] indicated that he received a slight cut on his right hand when he was hit by a piece of a Japanese plane during a raid in Luzon on November 24, 1944 and on January 21, 1945, he was slightly injured when a plane assigned to the USS HANCOCK returned from attacks and accidentally dropped a bomb on the flight deck, injuring and killing crewmembers. This was an accident and a Purple Heart cannot be authorized.

3. We will reconsider [REDACTED] request for the Purple Heart in the injury he sustained on November 24, 1944 when we have received two notarized, eyewitness statements who will provide to this office their full name and address, relationship to [REDACTED] at the time of the incident, unit assigned, in addition to detailing as much as possible the extent of the injuries [REDACTED] sustained.

4. In view of the above, enclosures (1) through (3) are returned pending the receipt of the notarized eyewitness statements.

5. However, based upon the documentation contained in [REDACTED] service record, the Chief of Naval Operations was able to make an eligibility determination under Public Law 106-65 for the retroactive Combat Action Ribbon for his World War II service. The ribbon will be forwarded to [REDACTED] under separate cover.

[REDACTED]  
By direction