



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

CRS
Docket No: 7440-00
5 December 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 5 December 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 30 July 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

Copy to: The American Legion



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

IN REPLY REFER TO
Ser 09B13/1U518030
30 July 2001

From: Chief of Naval Operations (N09B13)
To: Chairman, Board for Correction of Naval Records

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

Ref: (a) Your ltr AEG:jdh Docket No. 7440-00 of 26 Apr 01
(b) 10 U.S.C. 1552

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

1. In response to 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 injuries he sustained in action against the enemy on November 2, 1942.

2. Before the Purple Heart can be approved, there must be adequate documentation that a World War II veteran was wounded as a direct result of enemy action and that such a wound required medical treatment. While the requirement for enemy action (inflicted upon by the enemy), 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 [REDACTED] service record indicated being admitted to the hospital on several occasions for treatment, but not the circumstances surrounding the admittance), we will reconsider upon receipt of sworn affidavits from two eyewitnesses who have personal knowledge of the injury and circumstances surrounding the incident. The statement of the Pharmacist Mate, Arthur Chandler, needs to be notorized. Eyewitnesses should 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.

3. We will reconsider this case when we have received the two notorized eyewitness statements.

4. In view of the above, enclosures (1) and (2) are returned pending the receipt of the notorized 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 [REDACTED]'s World War II service. The ribbon will be forwarded to [REDACTED] under separate cover.

[REDACTED]
Head, Awards and Special
Projects Office
By direction
Chief of Naval Operations

1112 - 7 2001