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

BJG
Docket No: 2997-01
21 February 2002

MR [REDACTED]
[REDACTED]
[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. You requested that you be awarded the Purple Heart Medal.

It is noted that the Chief of Naval Operations (CNO) has decided to issue you the Combat Action Ribbon.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 February 2002. 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 CNO dated 27 December 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 warranting approval of your request to award you the Purple Heart Medal. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application for relief beyond that effected by CNO 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

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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

2997-01

IN REPLY REFER TO
Ser 09B13/1U519473
27 December 2001

From: Chief of Naval Operations (N09B13)
To: Chairman, Board for Correction of Naval Records
Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF
EX-, USN
Ref: (a) Your ltr BJG Docket No:  Oct 01
(b) 10 USC 1552
Encl: (1) BCNR File

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 when he jumped onto a barge to administer first aide to a member of a Construction Battalion, towing a pontoon barge during World War II.
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. ffered a inguinal hernia as a result of jumping onto a barge to render first aide to a service member of a Construction Battalion. This was an unfortunate accident and not at the hands of the enemy.
3. In view of the above, the Purple Heart cannot be authorized. However, this in no way detracts from the value of  World War II service.
4. We were able to make an eligibility determination under Public Law 106-65 for the retroactive Combat Action Ribbon for  combat service during World War II. The Chief of Naval Operations will forward the CAR under separate cover to .

Sincerely,



By direction