



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

ELP  
Docket No. 2998-01  
25 February 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 20 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.

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.

The Board found that you enlisted in the Navy on 7 July 1943 for six years at age 21. The record reflects that from March 1943 to October 1944 you saw extensive combat action in the Pacific which included operations at Palau, Yap, and Ulithi; the capture and occupation of the Marianas; strikes at Formosa and Okinawa; and the second battle of the Philippines. You were advanced to machinist mate third class on 1 January 1945.

The record further reflects that on 18 May 1945, you were a survivor when your ship, the USS LONGSHAW, was destroyed due to enemy action while it was grounded on Ose Reef, Okinawa. There is no evidence in available medical records that you received treatment for any injuries suffered as result of this enemy action.

On 6 August 1946 you were convicted by general court-martial of desertion in time of war from 30 November 1945 to 29 June 1946. You were sentenced to confinement at hard labor for three

years and seven months, total forfeitures, reduction in rate to apprentice seaman, and a dishonorable discharge. On 15 August 1945, the period of confinement and forfeitures were reduced to three years in view of clemency recommended by four members of the court.

On 18 October 1946 the Chief of Naval Personnel in a letter to your congressman, stated that because of your fine battle record, it had been recommended to the Secretary of the Navy that the sentence adjudged by the general court-martial be remitted entirely in order that, as a separate and distinct action, you could be discharged from the Naval service under honorable conditions. The acting Secretary of the Navy approved that recommendation on 18 November 1946 and you received a general discharge on 28 February 1947.

The Navy and Marine Corps Awards Manual provides that in order to be eligible for the Purple Heart Medal, an individual must have been wounded as a direct or indirect result of enemy action. The Board conducted a careful search of available records, including those of the Department of Veteran Affairs, for any evidence which would show that your hearing loss was due to injuries received in combat. However, there are no records of treatment at the time your ship was sunk by enemy action. Although the DVA determined on 27 March 2001 your bilateral sensorineural hearing loss was service-connected due to being exposed to acoustic trauma in the form of noise from Naval guns and explosions when your ship was sunk, the hearing loss does not meet the criteria for the Purple Heart Medal. Absent evidence that the hearing loss was caused by wounds received in combat, there is no basis for awarding the medal. 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