



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

CRS
Docket No: 797-03
29 May 2003

[REDACTED]

[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 21 May 2003. 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, applicable statutes, regulations and policies. In addition, the Board considered the prior letter to your Congressman from the Awards Branch, Chief of Naval Operations dated 20 May 2002, 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 letter. 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:





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

IN REPLY REFER TO
Ser 09B13/2U516387
7 May 2002

MAY 20 2002

[REDACTED]

This is in response to your letter on behalf of your constituent, [REDACTED] concerning eligibility to the Purple Heart for saltwater sores he received in the waters of the Pacific Ocean after the USS GAMBIER BAY (CVE 73) was sunk during World War II.

Before the Purple Heart can be awarded, 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. [REDACTED] saltwater sores which were later removed by surgery were not incurred as a direct result of enemy action.

While the requirements that the injury sustained must be as a direct result of enemy action (inflicted upon by the enemy), we consider it 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.

In view of the above, I regret that the Purple Heart may not be authorized. However, we were able to make an eligibility determination under Public Law 106-65 for the retroactive Combat Action Ribbon. The Chief of Naval Operations is pleased to enclose the CAR for delivery to [REDACTED] for his combat service during World War II.

If I may be of further assistance, please let me know.

[REDACTED]

By direction
Chief of Naval Operations

Enclosure