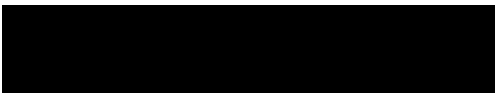




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

■
Docket No. 10154-07
12 September 2008



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 4 September 2008. 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 Headquarters Marine Corps dated 24 July 2008, 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. The enclosed medical record entry dated 31 August 1969 was considered insufficient to establish your entitlement to the Purple Heart because the entry was made almost two months after the described occurrence, and it does not appear that the entry was based on the personal knowledge of its author. In addition, there is no indication that you required treatment by a medical officer, which is a requirement for the award of the Purple Heart. 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,



Enclosure

1650
MMMA-3
24 Jul 08

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF


1. A thorough review of his medical records and the records at this Headquarters fails to reveal any documentation to substantiate his entitlement to the Purple Heart award. Since there is no indication in the records that he was ever injured under conditions, which would qualify him for the Purple Heart award, regulations provide that he may obtain and submit eyewitness statements. The eyewitness statements can be from the medical officer who treated him in the field or two other personnel who were present at the time he was injured. Statements should contain the time, place, medical attention received, and detailed verification of the circumstances of the injury and the relation to enemy action. A Notary Public must notarize these statements or they will not be accepted. If he can provide the above information, further consideration will be given to his request. The enclosure provides information to assist him in locating Marines from his former unit.

2. It should also be noted that a service-connected disability does not have to be the result of enemy action. Any injury sustained while on active duty, combat or otherwise, which results in some valid adjudicated disability, warrants appropriate medical care and, in some cases, compensation. Decisions and Statements from VA doctors cannot be accepted or used as a determining factor in this award, as they cannot attest to the circumstances involved in the injury.

3. Point of contact at MMMA is 