



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

Docket No. 08086-09
8 June 2010



This is in reference to your request for further consideration of your application for correction of your naval record to show that you sustained a ruptured eardrum in combat in 1966, and your related request that you be awarded the Purple Heart for that injury.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 June 2010. 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.

Your receipt of disability ratings from the Department of Veterans Affairs for tinnitus (10%) and hearing loss (0%) does not establish that you sustained a significant aural injury while serving in combat in 1966. The statements of your former commanding officer and a former member of your platoon were carefully considered, but found insufficient to establish that you were knocked unconscious and sustained damage to your ears and hearing as a result of a mortar blast, as neither was an eyewitness to your alleged wounding. There is no evidence in your naval health record that you sustained a wound or injury in

combat that required treatment by a medical officer. Such treatment is one of the major criteria for the award of the Purple Heart. The Board questioned the accuracy of your contention that you were knocked unconscious by the mortar blast, as you completed a report of medical history on 9 December 1970 in which you denied having a history of unconsciousness, concussion, ear trouble, and head injury.

In view of the foregoing, 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