

DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS 701 S. COURTHOUSE ROAD, SUITE 1001 ARLINGTON, VA 22204-2490

> Docket No: 3281-22 Ref: Signature date



Dear Petitioner:

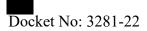
This is in reference to your application for correction of your father's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your father's naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 19 December 2022. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your father's naval record, an advisory opinion (AO) provided by Navy Department Board of Decorations and Medals (NDBDM) dated 13 October 2022, and applicable statutes, regulations, and policies.

Your father enlisted in the Navy and began a period of active duty on 15 March 1945. On 11 February 1946, he was admitted to sick call for injuries suffered in an automobile accident. On 24 March 1947, he was honorably discharged from the Navy by reason of unfitness. No records were found in his record that indicated treatment for any injuries suffered in combat.

On 7 October 2019, this Board denied your request to award your father the Purple Heart Award.

The Board carefully weighed all factors in your father's case, including your desire for your father to be awarded the Purple Heart Medal. The Board considered your assertions that your father's ship hit a mine two days after the armistice was signed with . Unfortunately, the Board concluded these factors and assertions were not sufficient to warrant a change to your father's record. The Board concurred with the AO that there is no documentation in your father's record that he was wounded as a direct or indirect result of enemy action, or as the result of friendly weapons fire while actively engaging the enemy which required treatment by a



medical officer at the time of the injury. Therefore, absent evidence in the form of official entries in the Official Military Personnel File (OMPF), medical records, or personnel casualty reports, the Board determined insufficient evidence exists to support a finding that he is entitled to the award. While the Board appreciates your father's honorable service to this country, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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.

