



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

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Docket No. 6936-23
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your 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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 2 November 2023. 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 this Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A review of your record shows that you began your service in the Navy by enlisting in the U.S. Navy Reserve on 12 March 1951. You were eventually commissioned as a limited duty officer (LDO) in the engineering field and retired from the Navy, on 1 August 1973, at the rank of Lieutenant. In connection with your petition, you provided a 14 April 2023 from the National Personnel Records Center (NPRC), which appears to be a response to a letter from you requesting the award of a Purple Heart Medal. In its letter, NPRC explained that the Purple Heart Medal "is awarded for wounds or injuries received as a direct result of hostile action. A record of such wounds or injuries must be contained in official military records. A search of these records has failed to produce any evidence that the veteran received such wounds. In the absence of evidence, the Purple Heart Medal cannot be authorized."

In your petition to this Board, you explain that your Navy medical records reflect that you were diagnosed with Vertigo while you were in service. You request that those medical records be changed to reflect that, instead of vertigo, you suffered three herniated disks in your neck. You contend your injury occurred, on 5 January 1969, when you fell into the well deck of your tango boat after your unit took rocket fire in █. You further assert that the Department of Veterans' Affairs (VA) awarded you a 50% disability for your service connected injuries. You also stated that the NPRC will not approve a Purple Heart Medal without a medical change.

The Board carefully reviewed your petition and the material that you provided in support of your petition, and disagreed with your rationale for relief. In reaching its decision, the Board observed that this Board is not an investigative body, and its review of materials is limited to available service and medical records as well as materials that you provide. Its review of your available service and medical records failed to reveal any evidence that you received any injury as a direct or indirect result of enemy action in █. Additionally, it found no evidence in your records reflecting the attack that you contend occurred on 5 January 1969. With respect to your request that your medical records be changed to reflect that your diagnosis of vertigo was in error and that you should have been diagnosed with herniated disks, the Board found insufficient evidence that your records were in error. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board wishes to thank you for your selfless and Honorable service to this country.

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.

Sincerely, _____

11/23/2023

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Executive Director

Signed by: █