



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

TRG
Docket No: 2664-00
2 May 2001

[Redacted]

Dear [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 1 May 2001. 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.

You enlisted in the Marine Corps on 2 January 1969 at age 20. The record shows that you served in Vietnam from 13 June 1968 to 9 July 1969 where you participated in numerous combat operations and were awarded the Combat Action Ribbon. However, on 24 September 1968, you received nonjudicial punishment for an unauthorized absence of about 11 days. You were released from active duty on 4 August 1969 with your service characterized as honorable and were subsequently issued an honorable discharge at the expiration of your military obligation.

In your application you contend that your record is in error because you were wounded in action on three occasions and should have been awarded three Purple Hearts. You also contend that you were improperly charged with 11 days of unauthorized absence because you were hospitalized during that period.

The Board obtained your medical record from the Department of Veterans Affairs. That record shows that you were hospitalized for four days in 1968 for what appears to be an intestinal infection. In addition you were hospitalized from 21 days in 1969 for an abrasion and sprain to your right knee. Your

separation physical shows that you were physically qualified for release from active duty and no defects were noted.

As indicated, there is no documentation in your service or medical record, and you have submitted none, to show that you were wounded in action while you were in Vietnam. In the absence of such documentation, there is no basis for the award of any Purple Hearts.

Finally, none of the dates you were hospitalized correspond with the period you were charged as being an unauthorized absentee. The Board believed that when you received nonjudicial punishment for the 11 day period of unauthorized absence you would have been given an opportunity to explain why you were absent. It appears that you either did not inform the commanding officer you were hospitalized during this period or he did not believe you. The Board concluded that your unsupported contention was not sufficient to warrant removal of the period of lost time from your record.

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