



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

ELP
Docket No. 4947-01
11 January 2002



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Navy Records, sitting in executive session, considered your application on 9 January 2002. 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.

The Board found that you were inducted into the Navy on 8 June 1943 for two years at age 19. The record reflects that you were advanced to electrician's mate third class in December 1943 and and were hospitalized in February 1944 for about 20 days due to scarlet fever.

The record reflects that your ship, LSM 169, participated in the landing of troops at Luzon in January 1944. On 15 February 1945, while at Mariveles Bay, the ship struck a mine on its approach to the beach. Available medical records contain no evidence that you were treated for wounds suffered as a result of this incident or that you were evacuated to a hospital ship for treatment.

You subsequently were advanced to electrician's mate second and first class and were honorably discharged on 30 April 1946.

In its review of your application, the Board conducted a careful search of your records for any evidence that would show that you received treatment for injuries suffered as the result of your ship hitting a mine. However, no such evidence could be found. The Board specifically noted the magazine article you submitted which shows a picture of LSM 169 burning after striking a mine. The article states that several of the crew on board were wounded but provides no particulars. The Board also noted your contention to the effect that you were not injured but were evacuated to a hospital ship for shock and that you refused the Purple Heart Medal when asked to sign for the award. In order to be eligible for the Purple Heart Medal, an individual must have been wounded or received injuries as a result of action against an enemy of the United States. The wound or injuries must also have required treatment by a medical officer. It is very difficult now, 56 years later, to establish entitlement to the Purple Heart Medal without eyewitness testimony. You need statements from at least two credible individuals who actually witnessed your injuries, such as someone who was also on board the ship with you. Absent such evidence, there is no basis for awarding the Purple Heart Medal. 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