



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

JRE
Docket No: 5157-99
28 August 2000



Dear 

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 24 August 2000. 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 enlisted in the Marine Corps on 28 December 1967. A message dated 28 July 1968 indicates you sustained a shell fragment wound to your right forearm as a result of the premature explosion of a friendly grenade. As the grenade was friendly, the wound did not qualify for the award of a Purple Heart. A medical record entry dated 31 July 1968 indicates that you were hospitalized on 21 July 1968 for treatment of "SHRAPNEL WOUND RIGHT FOREARM", and discharged from the hospital on 31 July 1968. The wound was classified as a "combat injury". You were wounded in action on 26 December 1968, and awarded the Purple Heart on 5 January 1969. You underwent a pre-separation physical examination on 24 July 1969, and were found qualified for release from active duty. You did not disclose any conditions at that time that you thought were disabling. The Veterans Administration (VA) awarded you a 10% rating for residuals of the right forearm wound effective 19 June 1974, and 0% for a left leg scar. On 9 January 1989, the VA awarded you a 30% rating for post traumatic stress disorder.

The Board was not persuaded that you suffered from post traumatic stress disorder at the

time of your release from active duty in the Marine Corps, or that the residuals of your shell fragment wounds rendered you unfit for duty. In this regard, it noted that the receipt of a VA disability rating is not probative of error or injustice in your case, because the VA awards disability ratings without regard to the issue of fitness for military service. In addition, the available records do not support your claim for an additional Purple Heart, for an unspecified wound. 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