



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

CRS  
Docket No: 2593-02  
30 January 2003

[REDACTED]

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 Naval Records, sitting in executive session, considered your application on 29 January 2003. 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. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps dated 9 December 2003, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:  
1650  
MMMA-3  
9 Dec 02

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: REQUEST FOR ADVISORY OPINION(S) IN THE CASE OF  
[REDACTED] FORMER MARINE

Encl: (1) Copy of NPRC ltr of 23 Sep 99  
(2) Copy of CMC ltr 1650 MMMA-3 of 24 May 01  
(3) Copy of all previous correspondence

1. A review of the records reveal that the National Personnel Records Center previously responded to Senator Robert Byrd on September 23, 1999 concerning [REDACTED] entitlement to a Purple Heart award. A copy of their reply is forwarded as enclosure (1).

2. A review of the records also reveals that we have responded regarding [REDACTED] on numerous occasions concerning his entitlement to a Purple Heart. Our most recent reply is forwarded as enclosure (2). As previously stated in our letters, the Purple Heart Medal is not awarded for Combat Fatigue. Without the required two eyewitness statements to attest to the fact that he was physically injured in action by the enemy, no further action can be taken. A copy of all previous correspondence is forwarded as enclosure (3).

3. The point of contact at MMMA is [REDACTED] at 784-9340.

[REDACTED]

By direction

1650  
PERS313E/9/MCENL/REG  
SN# 947722/SN#947722  
23 Sep 99

HONORABLE ROBERT BYRD  
UNITED STATES SENATE  
WASHINGTON, DC 20510

Dear Senator BYRD

This is in response to your inquiry on behalf of [REDACTED]  
concerning entitlement to the Purple Heart Medal.

In order to maintain the prestige and integrity of awards the Secretary of the Navy established the following criteria. The Purple Heart Medal is authorized for award to members who are wounded or injured as a direct result of action by the enemy of the United States. Regulations also require written documentation of a wound, showing the date and nature of wound and medical treatment received.

A review of available personnel and medical records fail to document that veteran was ever wounded or injured under the conditions for which the Purple Heart can be authorized. In the absence of any written documentation, he has the option to provide two sworn affidavits from eyewitnesses who can attest to the circumstances surrounding the incident.

We regret that we could not provide a more positive response at this time, but in no way does it lessen veteran's contribution during his service to our country.

Sincerely,

[REDACTED]  
LTJG USN

1650  
MMMA-3  
24May01

PERSONNEL MANAGEMENT DIVISION COMMENT on OLAC r/s of 16 May 01

Subj: ██████████ WRITES CONCERNING A PURPLE HEART MEDAL  
FOR HIS SERVICE IN KOREA

1. We have reviewed the following route sheet, and the following comments are provided.
2. We have reviewed the statements provided by ██████████ and it has been determined that they are not acceptable as the required eyewitness statements. Neither of the individuals can describe the circumstances involved in ██████████ being injured, they both saw him after the fact and cannot attest to what injuries he received. The records state that he was suffering from Combat Fatigue.
3. The Purple Heart Medal is not awarded for cases of trenchfoot, pneumonia, malaria, or post-traumatic stress disorder (Combat Fatigue). This is not to deny that he suffers from a service-connected disability; however, regulations do not allow the Purple Heart Medal to be awarded to victims of post-traumatic stress disorder.
4. Point of contact is Mr. ██████████ at DSN 278-9206.

██████████  
by direction

Copy to:  
Read File

DMM

1650  
MMMA-3  
16Apr01

PERSONNEL MANAGEMENT DIVISION COMMENT on OLAC r/s of 6 Apr 01

Subj: SENATOR ROBERT C. BYRD WRITES CONCERNING [REDACTED]  
[REDACTED] FORMER MARINE

1. We have reviewed the following route sheet, and the following comments are provided.
2. The Marine Corps, as part of the Department of the Navy, ~~applies the criteria prescribed by the Secretary of the Navy in~~ awarding the Purple Heart Medal. This criterion requires that the Marine's death or injury be the direct or indirect result of enemy action to include terrorists.
3. This standard has been in effect for many years and the guidelines for this decoration are well established. Wounds due to enemy small arms fire, artillery fire, or mines, for example, are the direct result of enemy action. Wounds sustained by a pilot upon ejection from his aircraft, after it has been hit by enemy fire or injuries received by a Marines escaping from a tank, which has struck a mine, are the indirect result of enemy action. As previously stated, [REDACTED] records fail to reveal that he was injured under conditions which would qualify him for a Purple Heart Medal, if he can provide the required two eyewitness statements further reconsideration will be given to his request for a Purple Heart Medal. Without these statements, ~~no further action can be taken.~~
4. The three Army personnel in question received a Purple Heart Medal because the enemy beat them after being captured. Based upon the criteria they are qualified for a Purple Heart Medal.
5. Point of contact is [REDACTED] at DSN 278-9206.

[REDACTED]  
by direction

1650  
MMMA-3

JAN 10 2001

MEMORANDUM

From: Head, Military Awards Branch, Personnel Management  
Division

To: Head, Office of Legislative Affairs Correspondence,  
2 Navy Annex Arlington, VA

Subj: [REDACTED] WRITES CONCERNING [REDACTED]  
[REDACTED], FORMER MARINE

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Encl: (1) [REDACTED] ltr of 31 Oct 00

1. We have reviewed the inquiry contained in the enclosure, which was forwarded to this Headquarters from the National Personnel Records Center, St. Louis Missouri.

2. During the period he served in the Marine Corps, the Purple Heart was authorized for award to those who were wounded or injured as a direct result of action by an enemy of the United States or an opposing armed force of a foreign country in which the Armed Forces of the United States was engaged.

3. A review of his service and medical records, and the records at this Headquarters and the eyewitness statements he provided fails to reveal any evidence to substantiate his entitlement to the Purple Heart award. The records show that he was treated for Combat Fatigue on 3 March 1951 in Korea.

4. While it is understandable that anyone who is injured or dies during combat operations would appear to be entitled to the Purple Heart Medal, there must be a direct cause and effect relationship to establish eligibility. This, the injury or wounds must have been caused by enemy action. The decoration is not awarded for cases of trenchfoot, pneumonia, malaria, or Combat Fatigue (now known as post traumatic stress disorder). This is not to deny that he suffers from a service-connected disability; however, regulations do not allow the Purple Heart Medal to be awarded to victims of post traumatic stress disorder.

Copy to:  
Read File

DMM

5. This response was prepared without OLAC's assignment of tasker in order to avoid unnecessary delays. Please, provide [REDACTED] with a response.

6. Point of contact is [REDACTED] at DSN 278-9210.

[REDACTED]  
by direction

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1650

MHM-3

20 SEP 1994

Dear [REDACTED]

This is in further reply to your inquiry of July 28, 1994, concerning the award of the Purple Heart Medal to [REDACTED], a former member of the U.S. Marine Corps.

During the period [REDACTED] served in the Marine Corps, the Purple Heart was authorized for award to those who were wounded or injured as a direct result of action by an enemy of the United States or an opposing armed force of a foreign country in which the Armed Forces of the United States was engaged.

A review of his records fails to reveal that he was ever wounded or injured under conditions for which the Purple Heart can be authorized.

Since there is no indication in [REDACTED] records that he was injured under conditions which would qualify him for the Purple Heart award, regulations require that he obtain eyewitness statements. The eyewitness statements can be from the medical personnel who treated him or two other personnel who were present at the time he was injured. Statements should contain the time, place, medical attention received, and verification that the injury was a direct result of enemy action.

If [REDACTED] can provide the above information, further consideration will be given to his request.

Very respectfully,

[REDACTED]  
Head, Military Awards Branch  
Human Resources Division  
By direction of  
the Commandant of the Marine Corps

Copy to  
File in Case

10 Days in Hosp. Discharged 3-12-51

"D" Co, 2nd Bn, 7th Mar Bn 3-12-51

NAVY MED H-8 (REV. 1-48) 850 PAGE NO. 75-5

MEDICAL HISTORY

SURNAME

CHRISTIAN NAME(S)

RANK OR RATE

FILE OR SERVICE NO.

Bgt. A. A. SUBMC

BIRTHPLACE

BIRTH DATE

Ohio

11-2-25

STATE NAME OF PLACE - DATE EACH NEW ENTRY

"C" Company, 1st Medical Bn.  
1st Marine Division, FMF  
FPO, San Francisco, Calif.

FT 2 March 1951

DIAG: EXHAUSTION COMBAT #3273  
IN THE LINE OF DUTY, NOT DUE TO  
OWN MISCONDUCT.

OC: Yesterday afternoon this Pt.  
was under heavy enemy fire. Was  
knocked over several times. Passed  
out for several minutes, when  
aroused he couldn't go forward.  
Developed headache, tinnitus, pain  
in lumbar back region.

FE: Essentially Negative.

EX: (1) Second gr 1 1/2 H.S.

T 3-3-51 Evacuated this date to 629  
1 Medical Clearing Company, APO 301

LTJG MGR USNR

APPROVED:

CDR MGR USNR  
Commanding



Entered Hosp ↑