



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

CRS
Docket No 6007-00
27 June 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application reconsideration for correction of your late father's 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, reconsidered your application on 27 June 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. In addition, the Board considered the advisory opinion furnished by the Chief of Naval Operations dated 9 April 2001, 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
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

Ser 09B13/1U516079
9 April 2001

From: Chief of Naval Operations (N09B13)
To: Chairman, Board for Correction of Naval Records
Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF
[REDACTED]

Encl: (1) BCNR File
(2) Service Record
(3) Combat Action Ribbon

1. Enclosures (1) and (2) are returned. Mrs. [REDACTED] is requesting a Purple Heart for her late father, [REDACTED] for injury to his ankle when the USS HOUSTON sank in 1942 and his subsequent internment in Japanese war camps.
2. Because of the requirement that the injury sustained must be the direct result of enemy action (inflicted upon by the enemy), sworn eyewitness statements to the injury are accepted for review in the lack of medical documentation. These statements must clearly show the injury was witnessed, when and how it occurred, and the extent of the injury.
3. A thorough review of [REDACTED] military record was made by all cognizant sources, in addition to all of [REDACTED] earlier and subsequent documentation, and failed to provide the required affidavits or show that her father was wounded or injured under conditions that authorize the Purple Heart. The affidavit of [REDACTED] is a general statement of his personal experience while a prisoner of war and not a statement attesting to witnessing personal harm inflicted to a particular prisoner.
4. While the requirements for enemy action, medical record verification and/or clear-cut verification of eyewitnesses may seem stringent, we consider it essential to maintaining the integrity of this important decoration. The Purple Heart is not awarded solely for being a prisoner of war.
5. In view of the above, we regret the Purple Heart may not be awarded at this time. However, in accordance with Public Law 106-65, we were able to review Mr. [REDACTED] eligibility for the retroactive Combat Action Ribbon. Enclosure (3) is forwarded for delivery to the next of kin.

[REDACTED]
B. [REDACTED]
Head, Awards and Special Projects
Branch