



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

ELP
Docket No. 7949-99
29 June 2000

[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 28 June 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. In addition, the Board considered the advisory opinion furnished by the Military Awards Branch, Headquarters, Marine Corps, dated 27 April 2000, 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. Although the Board gave some credence to your brother's letter since he was assigned to your unit a month after you were allegedly wounded, he did not witness the circumstances of your injuries. Absent medical evidence showing treatment of the wounds sustained or statements from individuals who witnessed your injuries or were aware of them, such as those individuals who briefed your brother after he was assigned to your unit, the Board found no basis for awarding you a second 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

Enclosure



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

IN REPLY REFER TO:
1650
MMMA-3

27 APR 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

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

1. Mr. Hale is entitled to the following awards for his service in the U.S. Marine Corps:

Purple Heart Medal for wounds received in action against the enemy on July 24, 1953, in Korea

Combat Action Ribbon for service in Korea

Navy Unit Commendation awarded to 1st Marine Division for service in Korea during the periods August 11, 1952, to March 5, 1953; and July 7 to 27, 1953

Good Conduct Medal for service from December 18, 1950, to December 3, 1953

National Defense Service Medal

Korean Service Medal with two bronze stars

Republic of Korea Presidential Unit Citation awarded to 1st Marine Division for service during the period October 26, 1950, to July 27, 1953

United Nations Service Medal for service in Korea

Republic of Korea War Service Medal for service during the period June 25, 1950, to July 27, 1953

Rifle Expert Badge

Pistol Sharpshooter Badge

2. A review of his service and medical records, and the records at this Headquarters fails to reveal any documentation that he

was injured a second time under conditions for which the Purple Heart Medal can be authorized. Therefore, it has been determined that he is not entitled to this award. Letters from family members are not acceptable as eyewitness statements.

3. A point of contact at MMMA is Mr. S.A. [REDACTED] @ 784-9206.



Head, Military Awards Branch
Personnel Management Division
by direction of
the Commandant of the Marine Corps