



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

SJN
Docket No: 07142-08
8 July 2009

[REDACTED]

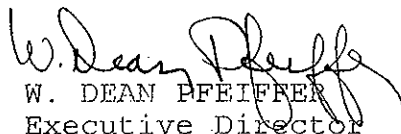
This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 July 2009. 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 Director, Council of Review Boards, dated 25 June 2009, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, 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
SECRETARY OF THE NAVY COUNCIL OF REVIEW BOARDS
720 KENNON STREET SE STE 309
WASHINGTON NAVY YARD DC 20374-5023

IN REPLY REFER TO

1650
Ser NDBDM/205
25 June 2009

From: Director, SECNAV Council of Review Boards
To: Chairman, Board for Correction of Naval Records

Subj: COMMENTS AND RECOMMENDATION IN THE CASE OF
[REDACTED]

Ref: (a) BCNR ltr SJN:jdh Docket No. 07142-08 9 Jun 09
(b) SECNAVINST 1650.1H

Encl: (1) BCNR File
(2) Service Record

1. As requested by reference (a), the Navy Department Board of Decorations and Medals has reviewed [REDACTED] petition for award of the Purple Heart.
2. Per reference (b), during World War II an individual must have been wounded as a direct result of enemy action to be eligible for the Purple Heart. Specifically, consequential injuries received by a service member during or after an enemy attack is not considered a wound received as a direct result of enemy action.
3. After careful review of the evidence submitted and [REDACTED] naval record, we have found no evidence showing that he meets the eligibility criteria that was in effect at that time to be awarded the Purple Heart.
4. The enclosures are returned as requested. If you require any further information, please contact Ms. Suzanne Spray at (202) 685-1759.

R. Clausen
R. CLAUSSSEN
By direction

