



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

Docket No: 3724-07
13 May 2008

[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 7 May 2008. 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 12 June 2007, 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. In addition, there is no evidence in your record that you were promoted to sergeant. 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,

ROBERT D. ZSALMAN
Acting Executive Director

Enclosure



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

IN REPLY REFER TO:

1650
MMMA-2
12 Jun 07

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS, 2 NAVY ANNEX, WASHINGTON, DC 20390-5100

From: Commandant of the Marine Corps

Subj: COMMENTS ON BCNR APPLICATION IN THE CASE OF [REDACTED]

1. DISCUSSION: During the period [REDACTED] served in the Marine Corps, the Purple Heart Medal was authorized for award to those who were wounded as a direct or indirect result of action by an enemy of the United States. Verification of entitlement must be made by official entries in his service record, medical record, or casualty reports. A thorough review of [REDACTED] medical record and the records at this Headquarters revealed he is not entitled to a Purple Heart Medal.

2. RECOMMENDATION: Since there is no indication in his records that he was injured under conditions which would qualify him for the Purple Heart Medal, it has been determined that he is not eligible for the Purple Heart Medal.

[REDACTED]
Lieutenant Colonel
Assistant Head, Military Awards Branch
By direction of the
Commandant of the Marine Corps