



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

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Docket No: 3739-21  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your deceased father's naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your father's naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 3 January 2022. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your father's naval record, applicable statutes, regulations, policies, and an advisory opinion (AO) provided by Navy Department Board of Decorations and Medals (NDBDM), dated 3 November 2021.

Your father, herein after referred to as Said Named Marine (SNM), enlisted in the U.S. Marine Corps Reserve and began a period of active duty on 9 June 1943. On 8 December 1945, SNM requested to be discharged under existing regulations for demobilization. Said request was approved and on 19 December 1945, SNM was discharged with an honorable characterization of service.

On 23 February 1991, SNM requested his service record file and any medals and/or Presidential Unit Citations awarded for █ Operations. A transmittal of entitlement to awards was conducted by the Bureau of Naval Personnel who found no Purple Heart (PH) Medal had been awarded to SNM. An additional request was made on behalf of SNM for documentation of

receipt of the PH Medal on 28 April 1993. A review from the National Personnel Records Center denied the PH further capturing SNM's injuries resulted from an accidental burn from a fire in 1944 and not enemy action concluding SNM is not entitled to the award of the PH.

As part of the Board's review, an AO was provided by NDBDM. The AO opined that in order to qualify for the PH, a wound must have resulted from enemy action and necessitated treatment by a medical officer. It further captures some documents prepared upon occasion of SNM's discharge from active duty in 1945 indicate he was wounded in action (WIA) on 20 March 1944. However the PH is not listed anywhere within SNM's record, nor is he listed as WIA within the central casualty records of the U.S. Marine Corps. The AO concluded by opining Petitioner failed to establish that these criteria were met as neither SNM's medical record nor his service record contains evidence of treatment by a medical officer, nor is there evidence that the injury was of such severity that it necessitated treatment by a medical officer. The Board concurred with the AO and concluded that your record does not fulfill the requirement for entitlement to the PH Medal. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

1/20/2022

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Executive Director

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