



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

█  
Docket No: 6039-21  
Ref: Signature date

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Dear █ █:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your 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 7 March 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 naval record, applicable statutes, regulations, and policies. Additionally, the Board considered the advisory opinion (AO) furnished by the Navy Department Board of Decorations and Medals (NDBDM) dated 31 January 2022, which was previously provided to you. Although you were provided the opportunity to submit a rebuttal, you did not do so.

You enlisted in the United States Marine Corps and began a period of active duty during September 1963. During the periods of 2 May to 16 November 1966 and 15 February to 20 August 1967, you served in the Republic of Vietnam (RVN) and participated in numerous combat operations. On 30 August 1967, you were discharged with an honorable characterization of service and transferred to the Marine Corps Reserve. On 5 September 1967, your health record was closed based on your release from active duty. Your service record and health record did not indicate any diagnosis of combat related injuries or treatment.

On 12 July 1969 you completed an annual medical examination that indicated a right shoulder injury which you stated was incurred during combat in the RVN, however, there was no specific information on the injury. On 14 July 1969 a handwritten note by a physician was located in your record that indicated you had been seen by this physician during February 1968 for pain in your right shoulder. The physician further noted that you stated you had received this injury during February 1967 by being knocked to the ground by the impact of a mortar.<sup>1</sup>

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<sup>1</sup> AO by NDBDM: Review of Petitioner's service and medical records did not reveal any verifiable evidence that he had been wounded in action, or required treatment from a medical officer at the time of injury. The earliest mention of his right shoulder injury is on a health questionnaire submitted during an annual physical in 1969, two years after he left Vietnam and active duty. The Petitioner reported on the questionnaire that he had a right shoulder injury that occurred in Vietnam and was pending disability compensation.

On 2 October 1970 Headquarters, Marine Corps (HQMC) indicated that your records failed to show that you were wounded in action against the enemy and they were unable to make a determination to your eligibility for the Purple Heart Medal (PH).

On 24 September 2018 Navy Personnel Command completed an awards entitlement review and found no indication that you were authorized the Purple Heart Medal.

On 14 April 2021 HQMC denied your request for two Purple Heart Medals – citing lack of evidence for these awards.

As part of the Board’s review, an AO was provided by NDBDM. The AO stated “awards of the PH must be based upon variable facts, and specifically upon documented evidence in the member’s service and medical records.” Additionally, the AO stated that the Navy and Marine Corps Awards Manual clarifies that “under no circumstances will a person’s own account of his or her injuries and medical treatment thereof be used to form the factual basis for award of the PH.” The AO concluded by opining there is no evidence to substantiate your entitlement to the Purple Heart Medal, and therefore recommended your request be denied.

The Board carefully considered your request for two Purple Heart Medals and the material submitted in support of your request. The Board noted your honorable and faithful service in the Marine Corps, however, upon review of the evidence provided, the Board concurred with the AO by NDBDM. There is no supporting documentation nor indication in your record that you met the criteria for the Purple Heart Medal. Accordingly, 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,

3/9/2022

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Deputy Director

Signed by: █