



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: 2111-22
Ref: Signature Date



Dear Petitioner:

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 22 July 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 and an advisory opinion (AO) provided by Navy Department Board of Decorations and Medals (NDBDM) dated 1 June 2022. You were provided an opportunity to comment on the AO but chose not to do so.

You enlisted in the Marine Corps and began a period of active service on 3 January 1968. On 6 August 1968, you were treated for a laceration to your forearm after asserting being in a fight. On 10 December 1969, you were discharged with an Honorable characterization of service by reason of released from active duty service.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with applicable statutes and regulations. These included, but were not limited to, your desire to be awarded the Purple Heart (PH) Award. While the Board commends your honorable and faithful service in the Marine Corps, unfortunately, upon review of the evidence provided, the Board concurred with the NDBDM AO. Specifically, the Board determined you did not meet the eligibility requirements for the PH based on evidence your injury was caused by another Marine during a fight. Thus, the Board concluded you were not injured by friendly fire and were not engaged with enemy forces when injured; two criteria for qualifying for the PH when injuries are not caused by

enemy fire. 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 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,

8/8/2022

