



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

█
Docket No. 8782-22

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █
XXX XX █ USMC

Ref: (a) 10 U.S.C. § 1552
(b) DoD Manual 1348.33, Vol. 3
(c) SECNAVINST 1650.1J, 29 May 2019
(d) MCO 1650.19J, encl (1), par.5a

Encl: (1) DD Form 149 w/ enclosures

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his Purple Heart Medal be added to his list of awards in block 13 of his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosure (1) applies.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 9 December 2022, and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include the references.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner's 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 the case on its merits.

b. Petitioner enlisted in the Marine Corps and began a period of active duty on 14 June 2005. On 17 August 2009, he was wounded in action against enemy forces in █. Due to his injuries, he was transferred to the permanent disability retired list with an effective date of 31 December 2011 and honorably discharged for the reason of permanent disability.

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c. On 8 July 2013, Petitioner's chain of command from the time of his injury submitted a letter in support of his reclama request for award of the Purple Heart Medal (PHM), which was approved and presented to him on 16 February 2016.

d. A letter from Commandant of the Marine Corps (MMMA) to the Petitioner stated that the Military Awards Branch would ensure the award was entered into the Purple Heart database in the Improved Awards Processing System and that he would receive a reply regarding correction of his DD Form 214 under separate correspondence from Manpower Management Records Research and Reconstruction Section (MMRP-10). However, as of the date Petitioner submitted his request to the Board, his official military personnel record (OMPF) does not contain documentation of his PHM.

e. Petitioner contends that he was awarded the PHM after his discharge from active duty and believed it would be automatically updated to his discharge records. Given that it has not been documented in his OMPF, he seeks correction of his record to reflect his entitlement to the PHM.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants favorable action in the form of relief. The Board reviewed the application under the guidance provided in the references. The Board observed that Petitioner was duly issued the PHM with reassurances from MMMA, in 2016, regarding the correction of his records to reflect his entitlement to the PHM. However, to date, such corrections have not been made by MMRP-10. Therefore, the Board determined the PHM should be added to Petitioner's DD Form 214.

RECOMMENDATION

In view of the foregoing, the Board finds the existence of an error warranting the following corrective action:

That Petitioner be issued a Change to Certificate of Release or Discharge from Active Duty (DD Form 215) indicating in block 13 that he has been awarded the "Purple Heart Medal."

That Petitioner's PHM award citation and all appropriate accompanying documentation be entered into Petitioner's OMPF.

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and

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having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

1/12/2023

