



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

█  
Docket No. 0415-23  
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 17 April 2023. 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.

You enlisted in the U.S. Marine Corps and entered active duty on 29 August 1968. On 3 March 1969, you arrived to the █ and participated in two operations while in country. On 23 March 1969, you received wounds from an accidental discharge of a Light Anti-Armor Weapon (LAAW) by a fellow Marine. You were subsequently evacuated and hospitalized until you were issued permanent change of station (PCS) orders to █. On 11 September 1969, you were released from active duty with an Honorable (HON) characterization of service by reason of convenience of the government.

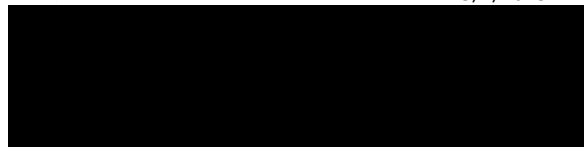
The Board carefully weighed all factors in your case, including your desire to be awarded the Purple Heart Medal (PH). The Board considered your assertions that you were wounded in combat in Vietnam and were awarded the PH medal at your bedside while suffering from shrapnel injuries to your left arm and to the back of your head. The Board concluded these factors and assertions were not sufficient to warrant a change to your record. On 6 October 2020, correspondence from HQMC MMMA-3 addressed your request for the PH and determined, "since this injury was an accident and not caused by enemy action, you are not

eligible for the Purple Heart.” Documentation in your record aligns with this determination that your injuries were a result of an accidental discharge of a LAAW by another Marine. Therefore, the Board determined your injury was not the result of enemy action and ineligible for the PH. Accordingly, although the Board appreciates your Honorable and selfless service to this country, given the totality of the circumstances, the Board determined 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,

5/1/2023



Executive Director

Signed by: █