



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

■  
Docket No. 6623-23  
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 27 September 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, and applicable statutes, regulations, and policies. In addition, the Board also considered [REDACTED], letter dated 6 February 1998, [REDACTED], letter dated 24 July 2007, and [REDACTED], [REDACTED], letter dated 30 September 2014.

You enlisted in the Marine Corps and began a period of active duty on 29 September 1967. On 30 June 1970, at the expiration of your active obligated service, you were released from active duty and transferred to the Marine Corps Reserve. You were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that annotated your characterization of service as Honorable.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case. These included, but were not limited to, your desire to be awarded the Purple Heart (PH) Medal and contentions that you sustained trauma while you were on Patrol in support of [REDACTED], and you have been awarded many

medals for your service, however, the one that you would greatly cherish is the PH Medal because you were wounded in combat.

As part of the Board's review, the Board noted Headquarters Marine Corps, Military Awards Branch most recent decision letter which stated in part:

A review of your records and the records at this Headquarters failed to reveal your entitlement to the Purple Heart Medal....During the period that you served in the Marine Corps, the PH Medal was authorized for those who were wounded or injured as a direct or indirect result of action by an enemy of the United States. Verification of entitlement must be made by official entries in the service or medical records and/or casualty reports. A Report of █ indicates that the injury you received on 5 May 1968 was officially classified as "nonhostile" because it was not caused by enemy action.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. After a detailed review of your record, the Board determined that your official military personnel file (OMPF) does not provide the necessary evidence to substantiate your request for the PH Medal. In making this finding, the Board substantially concurred with the multiple reviews conducted by the Navy and Marine Corps. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board appreciates your faithful and Honorable service to this country.

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,

10/13/2023

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