



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

█
Docket No. 8234-23
Ref: Signature Date

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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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 15 December 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 this 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, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

You enlisted in the Marine Corps and began a period of active duty on 23 December 1953. You were arrived at █, on 2 September 1954 and traveled to █ on 28 April 1955. You were transferred to the Marine Corps Ready Reserve on 17 December 1956. On 22 December 1961, you were Honorably discharged from the Marine Corps.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to receive a Purple Heart and your contentions that: (1) █ was considered a combat zone until the middle of July 1955, (2) you were paralyzed and operated on by two Navy surgeons in █ in a "█" hospital, and (3) your record needs to be corrected because it is wrong and contains a lie. For purposes of clemency and

equity consideration, the Board considered the supporting documentation you provided; specifically, the Congressional Inquiry made on your behalf by United States [REDACTED], and the corresponding response made to you by the Marine Corps.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined insufficient evidence existed to establish you were injured in [REDACTED], or underwent surgery as claimed. Furthermore, as also provided in response to Senator [REDACTED] inquiry, by the time of your assignment in [REDACTED], hostilities had ended, making you ineligible for a Purple Heart, even if evidence of injury or medical treatment existed. Therefore, while the Board was sympathetic to your circumstances, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board thanks you for your Honorable and selfless 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,

12/18/2023

[REDACTED]