



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

TJR
Docket No: 1145-15
13 February 2015

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

Subj: REVIEW NAVAL RECORD OF [REDACTED] USMC,
[REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) NPRC, GSA Transmittal of and/or Entitlement to Awards,
NAR Form 569 dtd 30OCT68

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that his naval record be corrected by reflecting the award of a Purple Heart Medal. Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 10 February 2015 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies. In addition, the Board considered the National Personnel Records Center (NPRC) NAR Form 569 of 3 October 1968, a copy of which is provided in enclosure (3).

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.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Although Petitioner's official record was unavailable at this time, the evidence of record, which includes a copy of his Certificate of Release from Active Duty or Discharge (DD Form 214) and Correction thereto (DD Form 215) were considered by the Board. Nonetheless, Petitioner has provided evidence, as documented in enclosures (1) and (3), that reflects his entitlement to a Purple Heart Medal as a result of being wounded by the enemy while serving in the Republic Of Vietnam (RVN). Further evidence also includes an excerpt from a cruise book, a photograph of the Purple Heart Medal which bears Petitioner's name, two quasi-affidavits that state in part, that Petitioner's receipt of the Purple Heart Medal had been witnessed, and a copy of a letter sent to Petitioner's parents dated 8 October 1965, which states that he received the Purple Heart Medal, (i.e., "Oh yes I guess I'll tell you now that I got a Purple Heart").

d. Petitioner has been awarded the Purple Heart Medal and has it in his possession. His request is solely for the record to reflect that he received the medal.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. However, since the only document available at this time to correct, in the absence of Petitioner's official record, is the DD Form 214, the Board concludes that a DD Form 215 should be issued to reflect that he was awarded a Purple Heart Medal.

In view of the foregoing, the Board finds the existence of an error and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner be issued a DD Form 215 which reflects that he was awarded a Purple Heart Medal.

b. That Petitioner's naval record be corrected, when available, by showing that he was awarded a Purple Heart Medal.

c. That any and all materials or entries inconsistent with or relating to the Board's recommendation be corrected and returned to the Board, together with a copy of this Report of Proceedings, for retention as cross-reference to Petitioner's naval record.

TJR

Docket No: 1145-15

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)), 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.

T. J. REED

Recorder

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 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.

ROBERT J. O'NEILL
Executive Director