



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

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Docket No. 7242-23
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 19 April 2024. 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. Additionally, the Board also considered an advisory opinion (AO) furnished by the Secretary of the Navy Council of Review Boards, Navy Department Board of Decorations and Medals (CORB).

You originally enlisted in the U.S. Marine Corps and began a period of active duty service on 29 October 1965. On 10 June 1966, you arrived and disembarked at █. According to available "Report of Casualties 379/67" and "Report of Wound/Injury," covering the relevant time period, on 2 April 1967, you received a superficial puncture wound to your right leg from a punji stake while on patrol in the vicinity of █.

On 17 April 1967, the Commanding General, █ awarded you the Purple Heart Medal (PH) for your wounds received in combat action. The █ cover letter advised you to make an application for the PH certificate from the Commandant of the Marine Corps upon your return stateside. On 11 June 1967, you departed █ and returned to █. Following your return stateside, you signed and sent a written request for a permanent PH certificate be awarded to you for your wounds received on 2 April 1967. On or about 16 October 1967, you received your permanent PH

certificate. On 28 August 1968, you were honorably discharged from the Marine Corps and were transferred to the Marine Corps Reserve.

On 20 July 2023, Headquarters, Marine Corps, Military Awards Branch (MMMA-3) denied your request to remove your PH from your service record. You claimed that your injuries did not require medical attention and were not consistent with the spirit and intent of the PH. HQMC informed you that they do not have the authority to remove personal awards such as the PH from a service record and informed you of your option to submit such a request to this Board.

As part of the Board review process, the CORB reviewed your contentions and the available records and issued an Advisory Opinion (AO) dated 21 March 2024. After reviewing the available evidence and pertinent regulations and past practices, CORB determined you were entitled to the PH and recommended this Board deny relief. The CORB stated, in pertinent part:

We are bound by the presumption of regularity in government affairs to treat the Petitioner's official service record as accurate and complete unless presented evidence that overcomes that presumption. The Petitioner failed to present any such evidence.

The injured Service Member is not and never was a participant in the process of determining whether the PH was merited. Therefore, the Petitioner's personal opinion as to whether his wounds merited the PH are no more relevant today than they were in 1968.

...without preponderant evidence that the official record is in error, and a material error of injustice occurred, we must conclude relief is not warranted.

The petition is untimely. The Petitioner was apparently aware in the late 1960s that he had received the PH. He could have refused to accept the award then and requested it be removed from his record or could have done so at any time after that. He provides no reasonable explanation for waiting 50+ years to request this action, and his delay has deprived the Department of the opinions of those who were in his chain of command at the time. The Board has justification for rejecting the petition on this basis alone.

The Board, in its review of the entire record and petition, considered your contentions and your materials submitted. However, the Board unanimously determined, even after reviewing the evidence in the light most favorable to you, that you do meet the qualifying criteria to receive the PH. The Board determined there was no convincing evidence in the record that you were not injured under conditions for which the PH can be authorized. The Board concurred with the AO and concluded that, given you were not a participant in determining whether you merited the PH back in 1967, your personal opinion today regarding whether your wounds merited the PH was not persuasive. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

This Board sincerely appreciates, respects, and commends you for your Honorable and faithful service in ██████████ and your entire military career. 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,

4/25/2024

