



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. 1295-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your uncle's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your uncle's 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 3 June 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 the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your uncle's naval record, applicable statutes, regulations, and policies, and an advisory opinion (AO) provided by the Navy Department Board of Decorations and Medals (NDBDM), dated 12 April 2024. Although you were provided an opportunity to respond to the AO, you chose not to do so.

Your uncle enlisted in the Marine Corps and began a period of active duty on 9 September 1943. On 20 February 1945, your uncle was killed in combat at █ during an enemy artillery strike.

The Board carefully weighed all factors in your uncle's case, including your desire for your uncle to be awarded a second Purple Heart Medal. The Board considered your assertions that your uncle's Enlisted Man's Qualification Card contains a handwritten entry that he was awarded the Purple Heart Medal for wounds received in action against the enemy at Saipan.

The Board concluded these factors and assertions were not sufficient to warrant a change to your uncle's record. In making this finding, the Board concurred with the AO that there is insufficient evidence in your uncle's record to substantiate your contention. As explained in the AO, the note on your uncle's Enlisted Man's Qualification Card is not an authorization of the Purple

Heart Medal, he is not listed in the Marine Corps' central casualty records as being wounded prior to 20 February 1945, and there is an official casualty report upon his death for 20 February 1945. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board noted your uncle's heroism and faithful service in the Marine Corps.

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,

6/25/2024

