

DEPARTMENT OF THE NAVY

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

> Docket No. 2487-24 Ref: Signature Date

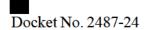


This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found 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 17 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 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 Navy Personnel Command (NPC) (PERS 312D2), Entitlement to Military Awards Supplement (NAVPERS 1650/66) review dated 1 April 2008 and 15 July 2008. Additionally, the Board considered Headquarters Marine Corps (HQMC), Military Awards Branch (MMMA-3) letters dated 2 February 2010, 9 May 2011, 15 October 2020, 5 May 2022, and 14 February 2024.

You enlisted in the Marine Corps and began a period of active duty on 7 July 1975. After a period of continuous Honorable service that included three enlistment periods, you again reenlisted on 9 April 1986. On 12 January 1988, you were administratively discharged from the Marine Corps with a General (Under Honorable Conditions) characterization of service.

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: (1) you never received the PH Medal for shrapnel wounds you received in the bombing of the Marine Barracks in Beirut



Lebanon, (2) you were treated for your wounds by a corpsman who administered wound dressing on your left leg, and (3) you never saw the corpsman again and was not aware if the corpsman filed a report of medical treatment that was provided to you on the battlefield. You assert that there was not a medical triage, which is why you were treated for your wounds by a corpsman.

As part of the Board's review, the Board noted Headquarters Marine Corps, Military Awards Branch decision letter dated 15 October 2020, which stated in pertinent part:

For the award of the PH Medal there exist circumstantial and severity thresholds that must both be met. First, the sound must have resulted from enemy action. Second, the wound must have been of such severity that it necessitated treatment, not merely examination, by a medical officer. Medical Officer is defined in law and regulations as a military physician of officer rank. If the wound does not meet both thresholds, the PH may not be awarded. Verification of entitlement must be made by entries in official military service and medical records and/or casualty reports.

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 that document the lack of supporting evidence in your record to grant your request and noted that you were informed of alternative methods for substantiating your eligibility for the PH. 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.

