



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

██████████
Docket No. 5623-24

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
██████████ XXX XX ██████████ USMC

Ref: (a) 10 U.S.C. §1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Navy Department Board of Decorations and Medals (NDBDM) Advisory Opinion of 20 Jun 24

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting he be awarded the Purple Heart (PH). Enclosure (2) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 21 August 2024 and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, policies. The Board also considered enclosure (3), an advisory opinion (AO) from the NDBDM. The AO was considered favorable toward Petitioner.

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. Petitioner enlisted in the U.S. Marine Corps and began a period of active duty in 2006. Petitioner is currently on active duty.

c. Petitioner submitted a request via his chain of command for retroactive award of the PH. Petitioner specifically requested the PH for an mTBI he sustained in ██████████ on 24 Jul 2009 when his vehicle was struck by an IED. On 11 Dec 2014, Commander, U.S. Marine Corps Forces Central Command (MARCENT) disapproved the PH.

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[REDACTED] XXX XX [REDACTED] USMC

d. In 2024, the Petitioner submitted a request for reconsideration to Headquarters, U.S. Marine Corps (HQMC). HQMC denied reconsideration due to lack of new evidence not previously considered by MARCENT in 2014.

e. The Board considered the AO from NDBDM as part of its review. The AO stated in pertinent part:

The official records clearly establish the Petitioner sustained some type of concussion/mTBI as the result of an enemy IED. So, the injury clearly met the circumstantial threshold for the PH. This issue in question is whether the mTBI met the severity threshold of necessitating treatment by a medical officer.

We submitted the medical record documentation and PCR to the Department of the Navy Physical Evaluation Board, which routinely deals with disability cases involving TBI and posttraumatic stress disorder, and requested their opinion as to whether the medical evidence is consistent with the PH criteria in refs (b) and (c) for mTBI. Enclosure (1) is the response, which concludes the PH criteria are met based on the medical documentation.

The AO concluded, “there is evidence of material error or injustice, and that based on the preponderance of evidence the Petitioner is entitled to the PH for wounds he sustained on 24 Jul 2009. We recommend BCNR grant relief by directing the PH be awarded to the Petitioner and his record be corrected.”

CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner’s request warrants relief. The Board relied heavily on the NDBDM AO and determined the Petitioner is entitled to the Purple Heart.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

That Headquarters, U.S. Marine Corps (HQMC), issue Petitioner the Purple Heart in accordance with the U.S. Marine Corps Standard Operating Procedure (SOP) and make the proper entry into his Official Military Personnel File (OMPF).

That no further changes be made to Petitioner’s record.

That a copy of this report of proceedings be filed in Petitioner’s naval record.

4. 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.

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[REDACTED] XXX XX [REDACTED] USMC

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.

9/13/2024

