



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

Docket No. 8290-24
Ref: Signature Date

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 10 January 2025. 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, applicable statutes, regulations, and policies. In addition, the Board considered an advisory opinion (AO) from Headquarters, U.S. Marine Corps (MMP3-3). Although you were offered an opportunity to respond to the AO, you chose not to do so.

You enlisted in the Marine Corps and served on active duty from 5 February 1952 until 4 February 1954.

Post discharge, you requested Navy Personnel Command (NPC), Records Management and Benefits Division review your record to determine your eligibility for the Purple Heart. On 21 September 2006, NPC denied your request based on a determination that your record did not support an eligibility determination. The denial was due to lack of medical documentation stating that your injury resulted from enemy action. On 22 February 2008, NPC denied your second request as your Official Military Personnel File (OMPF) based on the same rationale.

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 for the Purple Heart Medal to be awarded and contention that: (1) you were offered the

Purple Heart in March 1953 but declined signing the paperwork, (2) years later you regretted that decision and you did not apply for the Purple Heart until now because you had been told that military records had been destroyed in a fire at the National Personnel Records Center in St. Louis, Missouri, (3) you recently found out there was a backup copy that Congress was reviewing, (4) you were injured in █ when a bomb hit your tank, (5) you spent two months onboard the ship █ and was then taken to a hospital in █, and (6) you were transferred to █ and spent three months there.

As part of the Board review process, the BCNR requested the AO. The AO stated in pertinent part:

For award of the Purple Heart there exist circumstantial and severity thresholds that both be met. First, the wound 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 regulation as a military physician of officer rank. If the wound does not meet both thresholds, the Purple Heart may not be awarded. Verification of entitlement must be made by entries in official military service and medical records and/or casualty reports. A thorough review of all available records found no evidence to substantiate your entitlement to the Purple Heart. There is no indication that you were wounded at the hands of the enemy.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board concurred with the AO and determined that there is insufficient evidence to support your request for a Purple Heart. The Board agreed with the previous reviews conducted of your record which does not indicate you were injured due to enemy action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board thanks you for your faithful and selfless 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.

Sincerely,

2/12/2025

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