



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

██████████
Docket No. 9127-24
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 February 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 the Navy Department Board of Decorations and Medals. Although you were offered an opportunity to respond to the AO, you chose not to do so.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the U.S. Marine Corps and began a period of active duty on 11 April 1968. You participated in combat operations in Vietnam from 25 December 1968 until 11 May 1969. On 10 April 1970, you were discharge with an Honorable characterization of service at the expiration of your enlistment.

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 (PH) to be awarded to you and contentions that you believe the award was omitted in error since you were treated for shrapnel wounds in Vietnam. For purposes

of clemency and equity consideration, the Board considered the evidence you provided in support of your application.

As part of the Board review process, the BCNR requested an AO to review your record for awards you were entitled to. The AO stated in pertinent part:

To summarize, there is no evidence in the Petitioner's service record or medical record indicating that he ever sustained any wound or injury while in [REDACTED] let alone a wound resulting from enemy action. There is no casualty report. Nor is there evidence he ever received any treatment from a medical officer for such an injury. Neither the Petitioner, nor [Petitioner's witness], provide the date on which his alleged wounds occurred, the place where they occurred, or any circumstances surrounding the alleged event. In short there is no credible evidence of any PH qualifying wound, and therefore no basis for award of the PH. It has been longstanding practice in the Navy and Marine Corps, as well as in the other Services, that unless the PH criteria are clearly met, no award is made. The PH has never been awarded on a benefit of the doubt basis.

The AO concluded, "Petitioner is not entitled to the PH and [we] found no evidence of material error or injustice. Therefore, we recommend BCNR deny relief. Were BCNR to grant relief in this case by authorizing the PH, such action would be inconsistent with the criteria and standards applied to all other Service Members."

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board concurred with the AO and determined there is no evidence in your service record or medical record indicating that you ever sustained any wound or injury while in [REDACTED]. The Board observed you provided your Report of Medical Examination indicating a scar but you provided no medical documentation that you were treated for shrapnel wounds. As a result, the Board agreed with the AO that there is no evidence of material error or injustice with your record. 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,

3/13/2025

[REDACTED]