



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD  
ARLINGTON, VA 22204

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Docket No. 0051-25  
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 21 November 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 this 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. Additionally, the Board also considered an advisory opinion (AO) furnished by the Secretary of the Navy Council of Review Boards, Navy Department Board of Decorations and Medals (CORB). Although you were provided an opportunity to respond to the AO, you chose not to do so.

You enlisted in the U.S. Marine Corps and began a period of active duty service on 16 July 2004. In 2007, you deployed to █. You contend you contend you sustained a mild traumatic brain injury (mTBI) caused by enemy action as a result of an improvised explosive device (IED) blast while on patrol and returning to █ Base, while deployed in █.

On 17 Jun 2024, Headquarters U.S. Marine Corps (MMPB-32B (Military Awards Section)) ("HQMC") denied your request to receive the Purple Heart Medal (PH) for an mTBI suffered on 23 July 2007. HQMC directed you to petition this Board if you were unable to provide new and relevant evidence.

The CORB reviewed your contentions and the available records and issued an AO dated 22 August 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

The Petitioner submitted a copy of his MACE conducted at ██████████  
██████████ at the ██████████  
██████████ The form indicates the MACE was administered by [Hospital Corpsman Third Class] (HM3), vice [Hospital Corpsman Chief] as was claimed by the Petitioner and others who submitted statements on the Petitioner's behalf. The Petitioner reported being dazed and confused but denied losing consciousness and had no amnesia. [HM3's] diagnosis was "Concussion without loss of consciousness."

[HM3] also made an entry in the Petitioner's medical record on 23 Jul 2007, a copy of which is attached to the petition. [HM3] documented the Petitioner was the "A driver" [assistant driver] of a high mobility multipurpose wheeled vehicle [HMMWV] that was exposed to a "soft hit" from an IED. He indicated the Petitioner experienced no LOC, and that the Petitioner stated he was in no pain, had no injury, and had zero complaints. Of note is what the entry does not say. The entry mentions nothing about any treatment being administered or required. Nor does the entry indicate the Petitioner was examined by HMC Laws or anyone else besides ██████████ or that the Petitioner was found not fit for full duty by anyone, or that he was placed on any type of light or limited duty for any period of time whatsoever.

As stated...above, eyewitness testimony may be considered in PH cases only when there was a complete or partial loss of service and/or medical records. There is no evidence of such loss of records in this case.

There is no documentation in the Petitioner's medical records that he was ever placed on light duty as the result of the 23 Jul 2007 incident. Nor is there any documentation in his record that he was examined or treated by ██████████ or that he was reevaluated at ██████████ after that first MACE and medical record entry made by [HM3] on 23 Jul 2007. Because [HM3] recorded that the Petitioner reported no pain, no injury, and no complaints, it makes sense he did not receive any subsequent examination or treatment. But it is also clear that the claims by the Petitioner and his advocates that he was placed on 72 hours restriction from duty are inconsistent with the contemporary evidence.

The many inconsistencies between and among these statements and the official records, coupled with the unusually formal and precise language – repeated almost verbatim in all of them – concerning the light duty allegedly assigned the Petitioner, call into question their credibility. They certainly do not constitute the preponderance of evidence necessary to establish that the official records are in error.

...diagnoses made months or years after the fact cannot establish with any degree of certainty the antecedent cause of the symptoms. Further, the best medical science available confirms that symptoms of an mTBI severe enough to necessitate treatment by a physician would manifest within a matter of days and would necessitate restriction from full duties for at least 48 hours. The references explicitly state that the PH will not be awarded based on latent diagnoses.

In summary, the totality of evidence in this case fails to substantiate that the Petitioner ever met the criteria for award of the PH, and therefore there exists no basis for granting relief.

The AO concluded, "We concluded the Petitioner is not entitled to the PH and 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."

The Board, in its review of the entire record and petition, considered your contentions and your materials submitted. However, the Board unanimously determined, even after reviewing the evidence in the light most favorable to you, that you do not meet the qualifying criteria to receive the PH based on your mTBI/concussion contentions. The Board determined there was no convincing evidence in the record you were injured under conditions for which the PH can be authorized, namely, that you received a wound resulting from enemy action meeting the mTBI requirements for concussive events. The Board concluded that the July 2007 MACE evaluation within 48 hours of your injury performed by [HM3] clearly indicated that your trauma did not rise to the level of a concussion where you also experienced any LOC or functional brain impairment. Moreover, the Board determined that any additional required mTBI/LOC notations were not entered into, or made in a timely manner by a Medical Officer in your service and/or medical records in July 2007.

The Board sincerely appreciates, respects, and commends you for your Honorable and faithful service during OIF and your entire stellar military career to date.

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,

12/1/2025

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