



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

██████████
Docket No. 0182-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 18 August 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, and an advisory opinion (AO) provided by Navy Department Board of Decorations and Medals (NDBDM) on 1 July 2025. Although you were provided 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 on the evidence of record.

You enlisted in the U.S. Marine Corps and began a period of active duty on 17 March 1965. From 13 October 1966 to 2 November 1967, you were deployed to Vietnam in support of combat operations during the Vietnam conflict. On 10 March 1969, you were Honorably discharged by reason of convenience of the government.

On 23 January 2006, Headquarters United States Marine Corps Manpower Management Divisions Military Awards Section (HQMC MMMA-2) denied your request to be awarded the Purple Heart Medal (PH) for your actions during the Vietnam conflict on the grounds that the

available evidence did not support your eligibility for the PH Medal. On 11 August 2015, MMMA-3A responded to your follow-up inquiry regarding entitlement to the PH Medal; again denying your request for the same reason. On 13 August 2024, MMMA-32A denied your third request to be awarded the PH Medal on the same basis.

The Board carefully considered all potentially mitigating factors to determine whether the interest of justice warrant relief in your case. These included, but were not limited to, your request to be awarded the Purple Heart Medal and your contention that the evidence in support of your eligibility is overwhelming. For purposes of clemency and equity consideration, the Board considered the totality of your application, which included your DD Form 149 and the evidence you provided in support of it.

In reviewing your case, the Board considered the AO. The AO stated in pertinent part:

The Petitioner claims he should have been awarded the PH for a shrapnel wound to his left hand on 13 Oct 1967 while assigned to ██████████ ██████████ in Vietnam. In support of his claim, the Petitioner submitted a personal statement, a witness statement, some medical records, and an excerpt from a commercially published book.

Unfortunately, as will be explained in the following paragraphs, none of the documents submitted by the Petitioner satisfy the evidentiary requirements for award of the PH.

It is a long-established standard across all Military Services that the potential recipient's own account of how his injuries occurred cannot form the factual basis for award of the PH.

Refs (c) and (e) require that PH award determinations be made based on documentary evidence in the official service records. The same requirement existed in ref (d), the earlier version of ref (e), which was in effect in 1967 when the Petitioner's wound allegedly occurred. An exception exists in the regulations only in cases where insufficient information exists due to the partial or complete loss of service or medical records. Since there is no evidence of any such loss of records in the Petitioner's case, that exception does not apply, and therefore the statement submitted by the Petitioner's fellow Marine cannot be substituted for documentary evidence.

Although the medical treatment record from 21 Oct 1967 confirmed the Petitioner's shrapnel wound and treatment, there was no official documentation in the Petitioner's Official Military Personnel File to certify that the wound was the result of an act of the enemy or of an opposing armed force as required by ref (d). There was also no record of the casualty card described in the medical treatment record from 21 Oct 1967. In other words, no casualty report was submitted by the command. Absence of such a report is unusual in circumstances in which a Marine is wounded due to hostile (enemy) action.

The Petitioner's medical treatment record also documents that the Petitioner was treated on 21 Oct 1967 by a Hospital Corpsman, not a medical officer. The Petitioner's personal statement substantiates that the wound did not necessitate treatment by a medical officer...

The presumption of regularity in government affairs requires that we presume the official records are complete and accurate. We must presume that if the Petitioner has suffered a PH qualifying wound, his commanders would have awarded the PH or forwarded a PH nomination to the officer in the chain of command with PH awarding authority. Since there is no evidence any of that occurred, we must presume the Petitioner did not sustain a PH qualifying wound. The Petitioner failed to present evidence sufficient to overcome that presumption.

In summary, there is no evidence in this case that meets the published standards and criteria for award of the PH. Longstanding practice within the Military Services is that the PH is not awarded unless there is clear and convincing evidence that the criteria are met. In other words, the standard that has been applied is not one of "benefit of the doubt" or "more likely than not" as might be the case in qualifying for a lesser service award such as the Vietnam Service Medal. The PH is perhaps the most widely known and recognizable of the U.S. military awards, and the esteem in which it is held by the public rivals our highest valor decorations. The prestige of the PH, as with all other military honors, depends on confidence in the integrity and rigor of the process by which it is awarded.

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."

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, in reviewing your record, the Board concurred with the assessments of HQMC MMMA-2/3A/32A and the AO that your record does not support the awarding of the PH Medal. As discussed in the AO, there is a presumption of regularity to support official actions of public officers and, in the absence of substantial evidence to the contrary, this Board will presume that they have properly discharged their official duties. Ultimately, the Board determined the evidence you submitted was insufficient to overcome this presumption. Accordingly, given the totality of the circumstances, the Board determined your request does not merit relief.

Notwithstanding the Board's decision to deny your request, it acknowledges your heroic, selfless, and Honorable service to our country. The Board agreed with the AO that nothing in these decisions to deny your request is intended to diminish the value of your military service to the Nation in a time of war. It is merely an objective assessment of the evidence available and applicable statutes, regulations, and standards concerning award of the PH.

You are entitled to have the Board reconsider its decision upon the 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 is attached 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,

9/2/2025

Signed by: