



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

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Docket No. 0828-25  
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 29 August 2025. The names and votes of the panel members will be furnished upon request. Your allegation and injustice was 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, and applicable statutes, regulations, and policies. The Board also considered an advisory opinion (AO) furnished by Headquarters Marine Corps (MMPB-32A) on 26 June 2025. Although you were afforded an opportunity to submit an AO rebuttal, you chose not to do so.

You enlisted in the Marine Corps and began a period of active duty on 20 June 1966. Between 22 May 1967 and 27 May 1968, you participated in counter insurgency operations in the ■■■■■■■■■■. On 7 June 1968, you were released from active duty with an Honorable characterization of service.

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 to be awarded Purple Heart Medal (PH) and your contentions that you received an injury during your service in Vietnam and documentation in your medical records support your eligibility for the PH.

As part of the Board's review, the Board considered the AO provided by MMPB-32A. The AO stated in pertinent part:

A review of the petitioner's official military records revealed his entitlement to the following awards, which are listed in order of precedence:

Navy Unit Commendation awarded to Force Logistics Command for service during the period March 16, 1967 to May 31, 1968.

National Defense Service Medal.

Vietnam Service Medal with four bronze campaign stars.

Republic of Vietnam Meritorious Unit Citation (Gallantry Cross Color with palm and frame) ribbon bar.

Republic of Vietnam Campaign Medal with 1960 Device.

Rifle Sharpshooter Badge.

Pistol Sharpshooter Badge.

For award of the Purple Heart there exist circumstantial and severity thresholds that must 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 regulations as a military physician of officer rank. If the wound does not meet both thresholds, the Purple Heart may not be awarded.

The Chief, Bureau of Medicine and Surgery indicated that the petitioner sustained an injury to his left eye due to shattering glass on October 8, 1967. This Headquarters responded to the petitioner on January 9, 1974 indicating the Bureau of Medicine and Surgery failed to reveal that he was wounded in action against hostile forces.

The AO concluded, "After reviewing all of the evidence and the applicable statutes and policies, this Headquarters has concluded that the [Petitioner] is entitled to the awards listed above... Also, the [Petitioner] is not eligible for the Purple Heart."

After a detailed review of your record, the Board determined that your official military personnel file does not provide the necessary evidence to substantiate your request for the PH. In making this finding, the Board substantially concurred with the review conducted by ■ that annotated the lack of supporting evidence in your record to grant your request. As explained in the AO, an injury must be the result of enemy action in order to qualify for a PH. While the Board also considered the records you provided in support of your application, it was unable to find sufficient evidence to support a finding that you were wounded as a result of enemy action.

Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Notwithstanding the Board's decision in this case, it expressed its appreciation of your faithful and Honorable 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,

9/8/2025

