



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

[REDACTED]
Docket No. 1130-25
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]

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 5 September 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.

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. Navy Reserve (USNR) on 3 January 2006. Between 19 March 2012 and 10 December 2012 you mobilized in support of Operation Enduring Freedom (OEF) with Navy [REDACTED]

On 28 November 2016, your command notified you of administrative separation proceedings by reason of unsatisfactory participation in the ready reserve for medical non-compliance.

Ultimately, on 17 March 2017, you were separated from the USNR with a General (Under Honorable Conditions) discharge characterization.

On 20 November 2024, Navy Personnel Command (NPC) denied your request to be awarded both the Purple Heart Medal (PH) and the Combat Action Ribbon (CAR). NPC stated that they do not retain the authority to interpret medical records in denying your PH request and that a review of your service record and the documents you provided failed to support the conditions for which the CAR may be awarded.

You contended during your Afghanistan deployment that you were injured by a host national civilian when a small child threw a large rock hitting you and causing a serious concussion while you were jogging along the fence line. You stated that you did not report the incident due to reporting a Chief Petty Officer that same week. You further contended that you became faint and “fell into the rocks due to the previous incident causing a second concussion that was reported.” Medical documentation from your service record dated December 2012 and March 2013, noted that you disclosed to medical personnel that at the time of your injury you were carrying heavy back gear, you fell forward, and hit your forehead. You stated that you did not remember having any loss of consciousness but were lethargic afterwards and had tinnitus that evening; which resolved overnight. A CT scan of your head approximately a week and a half afterwards did not report anything abnormal.

Within the Department of the Navy, to qualify for the PH, a wound received has to be the direct or indirect result of enemy action, and such wound also required treatment by a Medical Officer¹ at the time of injury. Both criteria must be met to be awarded the PH. In other words, if the wound does not meet both thresholds, the PH may not be awarded. In situations such as you contend, the wounded service member's commanding officer shall make the determination as to whether weapons fired by unknown individuals were likely fired by enemy combatants. If so, wounds received from those weapons may qualify for the PH outside of a combat zone, wounds/injuries caused by the actions of unknown individuals, or as a result of criminal actions, shall not be assumed to be caused by enemy action, and shall not qualify for award of the PH unless the wound is determined to be the result of an international terrorist attack.

The CAR is awarded to Service Members who have rendered satisfactory performance under enemy fire while actively participating in a ground or surface engagement. Neither service in a combat area nor being awarded the Purple Heart automatically makes a service member eligible for the CAR.

The CORB reviewed your contentions and the available records and issued an AO on 26 June 2025. As part of the Board’s review, the Board considered the AO. The AO stated in pertinent part:

The Petitioner's Official Military Personnel File (OMPF) does not contain a Personnel Casualty Report (PCR) or any other official documentation establishing he was wounded in such an incident.

¹ A Medical Officer (MO) is defined in statute and Department of Defense regulations as a physician of officer rank. A corpsman or medic does not qualify as an MO.

...witness statements can be considered in PH determinations if there was a complete or partial loss of medical records. We found no evidence of a complete or partial loss of the Petitioner's records, nor did the Petitioner submit evidence to substantiate such a loss occurred. Therefore, the statements submitted by the Petitioner are not probative under existing DON regulations.

Further...require eyewitness statements be notarized, and neither statement submitted by the Petitioner is notarized.

We found no evidence in any official record that the Petitioner sustained any wound that resulted from enemy action. Nor did the Petitioner submit any evidence to establish that fact.

Official records contain no evidence the Petitioner was ever treated for a combat wound by a medical officer during his deployment to Afghanistan from 19 Mar 2012 to 10 Dec 2012.

On 13 Dec 2012, a physician assistant, not a medical officer, noted that the Petitioner had a concussion in Sep 2012 from a "*fall on rocks.*" This diagnosis was made at ██████████ after his re-deployment. Such patient history notes can only be supplied by the patient himself and are therefore not probative in determining whether a PH is merited.

We are required to presume the official records are both complete and accurate, and that those in the chain of command at the time exercised due diligence in faithfully discharging their official duties. We must presume that if he had qualified for the PH or CAR, his commanding officer would have taken the appropriate steps to ensure he received it and be appropriately documented in his service record.

The Petitioner failed to present sufficient evidence to overcome the presumption. He failed to present preponderant evidence that he'd been wounded due to enemy action, and that he incurred a wound from enemy action that necessitated treatment by a medical officer. He also failed to present preponderant evidence that he actively participated in a bona fide ground or surface combat engagement.

The CORB AO concluded, "We concluded the Petitioner **is not entitled** to the PH or the CAR, 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 either the PH or the CAR, such action would be inconsistent with the criteria and standards applied to all other Service Members." (Emphasis in original)

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 either the PH or the CAR. 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, or as a result of an international terrorist attack. The

Board also concluded that there was no evidence in the record that you rendered satisfactory performance under enemy fire while actively participating in a ground or surface combat engagement to qualify for the CAR. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board sincerely appreciates, respects, and commends you for your Honorable and faithful service in Afghanistan.

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,

9/11/2025

