



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

[REDACTED]
Docket No. 1567-25
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. Marine Corps and began a period of active duty service on 15 July 2008. Between 2 September 2011 and 26 March 2012 you deployed to Afghanistan in support of Operation Enduring Freedom (OEF). You contend you were injured in November 2011 as a result of an improvised explosive device (IED) blast while on patrol in [REDACTED]
[REDACTED]

On 19 December 2016, Commander, U.S. Marine Forces, Central Command (COMMARCENT) denied your request to receive the Purple Heart Medal (PH). COMMARCENT concluded that the injury you sustained on or about 13 November 2011 did not meet the criteria for the PH. In denying the PH, COMMARCENT stated, in part:

Per [MARADMIN 245/11]¹, the Medical Officer disposition of mTBI/concussion² with either LOC³ or 48 hour restriction from return to full duty must be made within seven (7) days of the concussive event. A Medical Officer or civilian physician diagnosis weeks or months after a concussive incident, citing additional or more severe symptoms of brain impairment than were diagnosed during the initial seven (7) day period following the concussive event, will not warrant award of the PH.

COMMARCENT determined that the documents you provided were not sufficient to award the PH because they did not provide a Medical Officer's diagnosis of a concussion within the first seven days after the incident.

On 12 January 2024, Headquarters, Marine Corps (HQMC) Military Awards Section (MMPB-3) denied your PH resubmission request. HQMC noted that in your resubmission, you provided the same command endorsements, eyewitness statements, and medical documentation, with certain non-material exceptions from your COMMARCENT PH request. HQMC determined the additional documentation did not provide relevant information and could not be considered with your reconsideration package because it was documented months after the injury. HQMC advised you that the only way to now receive reconsideration was if you were able to provide new and relevant evidence not previously submitted that provides sufficient documentation that you met the MARADMIN 245/11 PH requirements. HQMC directed you to petition this Board if you were unable to provide new and relevant evidence.

You contended that on November 13, 2011, while on patrol in Afghanistan, your vehicle struck an IED. As a direct result of the blast, you sustained a concussion with a LOC and a traumatic brain injury (TBI). You submitted an amended medical record, dated 6 June 2016, from a Navy Medical Officer, who originally evaluated you following the blast in November 2011. The Medical Officer's 2016 letter now includes an amended diagnosis of an mTBI with LOC. You argued that on such evidence, your injuries met the criteria outlined in the revised standards for mTBI/concussion as noted in MARADMIN 245/11.

The CORB reviewed your contentions and the available records and issued an AO on 14 July 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

¹ MARADMIN 245/11 provides, in part: "For concussive events caused by enemy action that occur on or after the start of GWOT (11 Sep 2001), award of the PH is authorized when (1) the Marine suffers a [loss of consciousness] LOC of any duration as a result of a diagnosed mTBI/concussion, or (2) when the persistent signs, symptoms, or findings of functional impairment from a diagnosed mTBI/concussion result in a Medical Officer disposition of "not fit for full duty" for a period greater than 48 hours."

² mTBI is the acronym for "mild traumatic brain injury."

³ LOC is the acronym for "loss of consciousness."

-[The Medical Officer's] examination was made within 48 hours of the Petitioner's alleged exposure to the IED detonation. He recorded the Petitioner received "Head trauma with no loss of consciousness" and says the patient was "not found unresponsive." The Petitioner's score on the Military Acute Concussion Evaluation (MACE) was 30 out of 30. In other words, there was no evidence of functional brain impairment. The doctor indicated in his diagnosis, "no concussion."...This document is prima facie [sic] evidence the Petitioner failed to meet the PH criteria published six months earlier to the entire Marine Corps via [MARADMIN 245/11].

-We note the absence of any personnel casualty report (PCR) submitted by the Petitioner's unit at any time on him.

-We dismiss out of hand [Medical Officer's] 2016 statement attempting to amend his 15 Nov 2011 medical evaluation contained in the Petitioner's official military medical record. The statement was made for the express purpose of securing a PH for the Petitioner. It simply is not credible that a medical officer who was responsible for examining and treating thousands of Marines and Sailors in Afghanistan for a period of seven to 12 months would better remember the details of a single evaluation of a single Marine five years later than he did on the same day he wrote the notes of his examination, i.e., on 15 Nov 2011.

-Medical documentation submitted by the Petitioner from 2012 and later is likewise Irrelevant.

-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. Therefore, the Petitioner own statement is not probative.

-In summary, there is no evidence whatsoever in official records that the Petitioner met the explicit criteria for award of the PH...There is contemporary documentary evidence attesting that he did not experience any loss of consciousness. There is no evidence of a medical officer's disposition of "not fit for full duty for a period greater than 48 hours" due to persistent signs, symptoms, or findings of functional brain impairment made within seven days of the incident. Therefore, he does not qualify for the PH.

-The 2016 denial by COMMARCENT was neither arbitrary nor capricious. Rather, it was a correct application of the published PH criteria and the standards applied to other Marines.

The CORB 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 November 2011 medical examination within 48 hours of your injury clearly indicated that your head trauma did not rise to the level of a concussion where you experienced any LOC or functional brain impairment. Moreover, the Board determined that the proper and/or 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 November 2011. The Board was not persuaded by the Medical Officer's "amended" diagnosis since it was made over four and a half years after the fact and determined the absence of the required documentation in your records in a timely fashion further precluded the awarding of the PH.

Notwithstanding the Board's decision to deny your request, it sincerely appreciates, respects, and commends you for your Honorable and faithful service during OEF and your entire military career.

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,

9/12/2025

