



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

██████████
Docket No. 1898-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of a service member's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of the 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 you did not file your application in a timely manner, the statute of limitation was waived in the interests of justice. A three-member panel of the Board, sitting in executive session, considered your application on 20 June 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 his naval record, and applicable statutes, regulations, and policies.

The service member served in the U.S. Navy from 16 February 1918 to 15 February 1922 and earned and received an Honorable discharge upon the expiration of his enrollment (his enlistment). The service member passed away on 21 November 1949.

You contend that the service member was injured when the ship he was stationed on, the ██████████, struck a German-laid mine off the mid-Atlantic coast on 9 November 1918. The ██████████ sunk and the entire crew abandoned ship. All hands on board the ██████████ survived. In support of the petition, you submitted a newspaper article from November 1918 featuring the Sailor's personal account of the events that happened and the injuries he sustained.

Within the Department of the Navy, to qualify for the Purple Heart Medal (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.

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 the service member did not meet the qualifying criteria to receive either the PH. The Board determined there was no convincing evidence in the record that the Sailor was injured under conditions for which the PH can be authorized; namely, that he received a wound resulting from enemy action and that such wound that required treatment by an MO. Unfortunately, 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.

In summary, there is no evidence in this case that meets the published standards and criteria for award of the PH criteria. Longstanding practice within the military services is that the PH is not awarded unless there is clear and convincing evidence 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 awards. The PH is perhaps the most widely known and recognizable of 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.

This Board sincerely appreciates, respects, and commends the service member for his Honorable and faithful service during WWI and his entire military career. This adverse determination in no way is intended to minimize what happened to the [REDACTED] and service member on the day in question. This denial is simply based on the fact that the PH criteria requires that certain medical-related documentation to be in one's record, and the Sailor's record simply does not contain such evidence.

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,

7/1/2025

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.