



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. 3296-25
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 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) and your AO rebuttal submission.

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 7 January 2003. During your active duty service you deployed in support of █ (█). On or about 8 December 2005, you contend you were injured as a result of an improvised explosive device (IED) blast in or near █, █, █.

You previously applied to this Board for a Purple Heart Medal (PH). On 29 March 2023, this Board directed you to address your PH request first to Headquarters, Marine Corps (HQMC)

Military Awards Branch. The Board noted that in your 2023 BCNR correspondence you stated you were frequently exposed to IEDs, three (3) of which detonated in close proximity, approximately 10 feet, from your position. Specifically, you contended you were “within feet” of detonation and were struck by a blast’s shock wave from a remote-detonated, triple stack IED. You stated that, due to how close you were, you experienced brief unconsciousness immediately after the explosions. You further stated that on one occasion you also lost your left canine tooth, which you allege was unofficially repaired at ██████████ without any documentation. You also stated that, while out-processing at the Battalion Aid Station on ██████████ in 2006, your TBI symptoms were documented.

On 2 October 2024, HQMC informed you that a review of your service record indicated that there was no evidence you were ever recommended or approved for the PH. On 14 March 2025, HQMC denied your formal request to be awarded the PH for any injuries you contended you sustained on 8 December 2005.

The CORB reviewed your contentions and the available records and issued an AO on 8 July 2025. As part of the Board’s review, the Board considered the AO. The AO stated in pertinent part:

The PH shall be awarded in strict accordance with the criteria and standards in the DoD and DON military awards manuals...the criteria require that for an mBTI¹ wound to qualify for the PH:

- (1) It must have resulted from enemy action; and
- (2) It must have been of such severity that it necessitated treatment, not merely examination, by a medical officer at the time of injury; and
- (3) It must have either resulted in loss of consciousness, or in signs, symptoms, and findings of functional impairment that led to a medical officer’s disposition of “not fit for full duty” for a period greater than 48 hours; and
- (4) Its symptoms must have manifested and been diagnosed by a medical officer within seven days of the concussive event; and
- (5) The wound and treatment thereof must have been documented in the Service Member’s medical and/or service records.

-The Petitioner’s official records contain no evidence that he ever met the PH criteria...We found no evidence that he was ever wounded in action, nor that he was diagnosed or treated for mTBI during Dec 2005. There is no record of any personnel casualty report (PCR), or record of any PH nomination.

-On 29 Nov 2006, less than one year after the alleged mTBI, the Petitioner completed an official military report of medical history form. He answered “No” to the question, “Have you ever had or do you now have: a period of unconsciousness or concussion.” He also answered “No” to the question of whether he had ever had a head injury.

¹ mTBI is the acronym for “mild traumatic brain injury.”

-...the Petitioner's own accounts of his own actions and injuries cannot form the factual basis for an award of the PH. However, the Board's attention is invited to the inconsistencies in the multiple statements the Petitioner has made in his recent quest to obtain the PH.

(1) In an 11 Mar 2023 statement found in his OMPF, the Petitioner said he was exposed to three (3) improvised explosive devices (IEDs) that detonated within 10 feet of his position. He describes one of those incidents specifically, though he does not give the date. He says he experienced brief unconsciousness due to all three IED detonations, one of which caused him to lose a tooth.

(2) The Petitioner submitted a letter to BCNR telling quite a different story. In his letter dated 31 Dec 2024, he recounts a very specific incident on 8 Dec 2005 in which he dismounted his vehicle, was fired on by a rocket propelled grenade (RPG), and was knocked unconscious by the RPG detonation. He says he experienced symptoms, but admits he did not receive any medical treatment.

- eyewitness testimony may be considered in PH cases only when there was a complete or partial loss of service and/or medical records. There is no evidence of such loss of records in this case. Therefore, HQMC was not obligated to consider any statement from anyone in this case. Neither is BCNR so obligated...Most of the statements from the other members of the Petitioner's unit are not probative.

-It strains credulity that a Marine was wounded so severely that he was bleeding from the ears, and yet was not rendered immediate medical treatment, nor was hospitalized, nor was subjected to intense follow on observation and care. This is especially so since the Petitioner is described as being outside his vehicle when he was rendered unconscious.

-The documents from the Dept of Veterans Affairs are irrelevant...diagnoses made months or years after the fact cannot establish with any degree of certainty the antecedent cause of the symptoms.

-The Petitioner's statements and some of the supporting statements he submitted assert that he lost consciousness following detonation of an RPG...Neither the Petitioner, nor any of those who submitted statements on his behalf, provides a plausible explanation as to why other Marines in █ were contemporaneously identified, reported, treated, and awarded the PH, but the Petitioner was not. The most obvious explanation, which is often the correct one, is that the Petitioner did not sustain a PH-qualifying mTBI.

- In summary, there is no evidence in this case that the Petitioner ever met the criteria for award of the PH, and therefore no basis for granting relief.

The CORB 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."

In response to the AO, you provided additional arguments in support of your application.

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 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 and/or met the mTBI requirements for concussive events.

The Board noted that for concussive events caused by enemy action occurring after 11 September 2001, the PH is authorized when either: (a) a Marine suffers a loss of consciousness (LOC) of any duration as a result of a diagnosed mTBI/concussion, or (b) when the persistent signs, symptoms, or findings of functional impairment from a diagnosed mTBI/concussion result in a Medical Officer (MO) disposition of "not fit for full duty" for a period greater than 48 hours. The MO disposition of mTBI/concussion with either LOC or 48-hour restriction from return to full duty must be made within seven (7) days of the concussive event. The Board determined that while there was a possibility that you may have been injured under conditions for which the PH could be authorized, that it was most unfortunate 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 December 2005. The Board determined the absence of the required documentation in your records precluded the awarding of the PH. 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 during OIF 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,

9/10/2025

