



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

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Docket No. 3697-25

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 30 December 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 originally enlisted in the U.S. Marine Corps and began a period of active duty service on 9 June 2003. In 2004, you were deployed in Iraq in support of Operation Iraqi Freedom (OIF). You contend you sustained mild traumatic brain injuries (mTBI) resulting in a loss of consciousness (LOC) caused by enemy action as a result of improvised explosive device (IED) blasts while on patrol on both 17 July 2004 and 21 July 2004 in or around Northern Babil Province, Iraq.

On 27 March 2025, Headquarters U.S. Marine Corps (MMPB-32B (Military Awards Section)) (“HQMC”) denied your request to receive the Purple Heart Medal (PH). HQMC stated they could not process your request without providing medical documentation from the time of your injuries. HQMC directed you to petition this Board for relief if you were unable to provide any medical documentation.

The CORB reviewed your contentions and the available records and issued an AO on 24 July 2025. As part of the Board’s review, the Board considered the non-binding AO. The AO stated in pertinent part:

The Petitioner's claim for the PH is without merit.

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 July 2004. There is no record of any PCR, or record of any PH nomination.

...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 obligated. However, in the interest of fairness we address the statements submitted by the Petitioner as if they were admissible.

Most of the statements submitted by the Petitioner’s unit are not probative. Note that all these statements were made between Sep 2024 and Feb 2025, 20 to 20.5 years after the fact.

...PH-qualifying wound must have both resulted from enemy action and required treatment by a medical officer at the time of injury. A corpsman is not a medical officer. Therefore, even if █’s statement were accepted as admissible, it would not substantiate that the Petitioner ever sustained a PH-qualifying wound. He says the Petitioner did not require any further treatment than he [the corpsman] provided. And there is no documentation of the Petitioner being treated by a medical officer for any injuries sustained on 17 Jul 2004 or 21 Jul 2004.

The Petitioner’s own statement cannot form the factual basis for award of the PH and is therefore not probative.

Were eyewitness testimony acceptable in this case, the statement that would be probative is from the platoon commander, █

The Department of Veterans Affairs documents from 2018-2022 are irrelevant...diagnoses made months or years after the fact cannot establish with any degree of certainty the antecedent cause of symptoms...the PH will not be awarded based on such latent diagnoses. The Petitioner’s list of VA rated disabilities is

likewise irrelevant; the disability evaluation and compensation system is wholly different from and unrelated to the PH awarding process.

The Petitioner's own statement cannot form the factual basis for award of the PH and is therefore not probative. We do note that the Petitioner provides no credible explanation why he delayed for 20 years after the alleged IED incidents before pursuing award of the PH.

We are required to presume the reason no PCR was submitted on the Petitioner for either 17 Jul 2004 or 21 Jul 2004, and that no other documentation of any wound or treatment thereof was put in his records, is that the Petitioner received no injuries that were deemed by his command, or by the corpsman who examined him, as severe enough to warrant such reporting, documentation, and referral to medical officer. The Petitioner failed to present evidence sufficient to overcome the presumption.

...there is no evidence in any official records that the Petitioner ever met the PH criteria. The statements and documents submitted to BCNR by the Petitioner do not establish probable material error or injustice. DoD and Navy regulations do not permit such statements and documents to substitute for official records in forming the factual basis for award of the PH.

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."

The Board, in its review of the entire record and petition, considered your contentions and your materials submitted, including your AO rebuttal. 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/LOC 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/LOC requirements for concussive events. The Board concluded that the evaluation by a corpsman within 48 hours of your injury where he recommended a MEDEVAC, clearly indicated that your trauma did not rise to the level of a concussion where you also experienced any LOC or functional brain impairment. Moreover, the Board determined that you were never treated by a Medical Officer for your injuries, and that none of the required mTBI/LOC notations were ever entered into your service and/or medical records in a timely fashion in July 2004. 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,

1/9/2026

