



**DEPARTMENT OF THE NAVY**

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED]  
Docket No. 5899-25  
Ref: Signature Date

[REDACTED]  
[REDACTED]  
[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 2 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 the 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, applicable statutes, regulations, and policies.

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 and began a period of active duty on 21 December 1965. On 30 September 1969, you were discharged with an Honorable characterization of service and transferred to the Navy Reserve.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case. These included, but were not limited to, your desire for the Purple Heart Medal (PH) and your contentions that, on 21 January 1968, you were wounded by an enemy mortar explosion during a weekly mortar attack on the Dinh Tuong Province where you were stationed. You contend that your ear drums were perforated resulting in a nasty ear infection that put you on sick leave from duty for two weeks. You finally contend that you carry the scars and have hearing loss. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board concurred with the Navy Personnel Command finding that there is no indication in your record that you were ever injured under the conditions which would qualify you for the PH. For award of the PH, there exist circumstantial and severity thresholds that must both be met. First, the wound must have resulted from enemy action. Second, the wound must have been of such severity that it necessitated treatment, not merely examination, by a medical officer. Medical Officer is defined in law and regulations as a military physician of officer rank. If the wound does not meet both thresholds, the PH may not be awarded. While the Board reviewed the evidence you provided, they deemed it insufficient to satisfy the requirements for a PH. Therefore, the Board found that there is no evidence of material error or injustice with your record. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board expressed that this determination in no way lessens their gratitude for your Honorable and faithful service to the Nation.

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,

12/12/2025

