



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

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Docket No. 5934-25
Ref: Signature Date

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Dear █

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 12 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). 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 originally enlisted in the U.S. Marine Corps and commenced active duty on 16 November 1999. On or about 11 November 2004, you contend you were injured by shrapnel in the left hand during an intense firefight in █. You stated, in part, that as you were able to continue fighting and, given the operational tempo at such time, you did not seek medical attention, patched your wound yourself, and continued on in the fight. For your extraordinary heroism during the engagement, you were awarded the Navy Cross.

On 13 May 2025, Headquarters U.S. Marine Corps (HQMC) determined that your request to receive the Purple Heart Medal (PH) could not be processed at such time because your request lacked the necessary administrative requirements. HQMC informed you that in order to receive PH consideration, you must provide certain medical documentation.

Within the Department of the Navy, to qualify for the 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. In other words, if the wound does not meet both thresholds, the PH may not be awarded.

The CORB reviewed your contentions and the available records and issued an AO on 9 September 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

The Petitioner claims he should have been awarded the PH for a shrapnel wound to his left hand on 11 Nov 2004 during Operation IRAQI FREEDOM (OIF). In support of his claim, the Petitioner submitted his own statement, letters from his former battalion, company, and platoon commanders, statements from three other former members of his unit, and disability documentation.

[E.O. 11016 as amended of 25 Apr 1962] is the top level authorization for the PH. It established two fundamental criteria: a PH-qualifying wound must have both resulted from enemy action and have necessitated treatment by a medical officer...Medical officer is defined...as a military physician with officer rank.

[DoDM 1348.33 Vol 3 of 21 Dec 2016] also states: (1) "A wound for which the award is made must have been of such severity that it required treatment, not merely examination, by a medical officer; (2) Treatment of the wound will be documented in the Service member's medical or health record; (3) Award may be made for wounds treated by a medical professional other than a medical officer provided a medical officer includes a statement in the Service member's medical record that the extent of the wounds was such that the wounds would have required treatment by a medical officer if one had been available to treat the wounds."

[SECNAV Manual 1650.1 of 16 Aug 2006] contains current Department of the Navy guidance concerning retroactive award of the PH. "Eligibility determinations will be based on documented evidence in the veteran's personnel and/or medical records...If adequate documentation is not available, due to the complete or partial loss of an individual's records, two sworn affidavits from eyewitnesses to the injury, who were present at the time of the injury and have personal knowledge of the circumstances under which the injury occurred, may be submitted for consideration. (Statements from witnesses "after the fact" will not be considered.) The affidavits must be in the eyewitnesses' own words, typed if possible, and must be notarized."

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.

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

The Petitioner's service records appear to have been very well maintained, particularly his documentation of the Navy Cross (NX) he received in support of OIF on 11 Nov 2004 for his heroic actions by disregarding his own safety in support of his fellow Marines. The Petitioner claims during this event he sustained a shrapnel wound to his left hand. There is no official documentation of a combat wound or treatment in the Petitioner's service record nor does his NX citation mention the Petitioner was wounded in action.

The Petitioner claims to have had multiple medical appointments between Jan 2005 and Mar 2007 for issues that took place during his OIF deployment; however, there is no documentation in his official medical records to support this claim. There is no documentation that the Petitioner was administered a post-deployment health assessment; however, the Petitioner was administered a post-deployment health reassessment (PDHRA) dated 7 Mar 2007.

In his own personal statement, the Petitioner admits "I did not seek medical attention for the shrapnel I received to my left hand at that time...I patched my wound and continued on." The Petitioner admitted his injury required no medical treatment and described it a "flesh wound." Historically, minor injuries treatable by self-aid or buddy aid have never qualified for the PH.

Awards for the PH must be based on documented evidence within the individual's service and medical records. The Petitioner's Official Military Personnel File (OMPF) contains no evidence that the Petitioner was ever seen by a medical professional for a shrapnel wound to his hand, nor any evidence of treatment by a medical officer at the time of the injury.

The Petitioner's service records appear to have been very well maintained. There is no official documentation of a combat wound or treatment in the Petitioner's service record, nor does his NX citation mention the Petitioner was wounded in action.

The presumption of regularity in government affairs requires we presume the Petitioner's OMPF accurate and complete, that if the Petitioner had suffered injuries meeting the PH criteria, the circumstances of the injuries and their treatment would have been documented in his records, and his command would have taken the steps necessary to award him the PH. In the absence of any evidence that the Petitioner sustained a PH-qualifying wound, we must presume he did not. The Petitioner failed to submit evidence sufficient to overcome the presumption.

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. 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. 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 that such wound that required treatment by an MO. The Board also noted that the PH is among the most recognizable and prestigious of U.S. military awards, and the Board determined the PH is not awarded on a "benefit of the doubt" basis. The Board concluded that unless the evidence clearly establishes the PH criteria were met, the award is not made. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Notwithstanding the Board's decision, it sincerely appreciates, respects, and commends you for your Honorable, faithful, and selfless service in Iraq and your entire decorated and storied 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,

1/6/2026

