



Docket No. 7682-25
Ref: Signature Date

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 27 March 2026. 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 following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You originally enlisted in the U.S. Marine Corps and began a period of active duty service on 19 May 2008.
2. In 2010, you were deployed in Afghanistan in support of Operation Enduring Freedom (OEF). You contend you sustained a traumatic brain injury (“TBI” or “mTBI”) and elbow injury caused by enemy action from an improvised explosive device (IED) blast while on patrol, on or about 19 December 2010, in or around [REDACTED]. At the time of your injury, you stated that you chose not to report the extent of your injuries due to the high operational tempo and your commitment to staying with the unit. You further stated that, upon returning from your [REDACTED] deployment, VA clinicians diagnosed you with a TBI and post-

traumatic arthritis with residual damage to your left elbow, including evidence of old fractures and degenerative changes shown on an MRI.

3. On 19 January 2016, Commander, [REDACTED] denied your request for the Purple Heart Medal (PH).

4. On 28 May 2025, Headquarters, U.S. Marine Corps (HQMC) informed you that you would have to apply for the PH directly to [REDACTED], but there is no evidence you did so.

In your application to this Board, you express a desire to be awarded the PH medal and contend that:

1. You now have substantially new evidence that supports your claims.
2. This evidence includes a VA disability letter acknowledging your service connected TBI and elbow injury, sworn witness statements, medical documentation, the official casualty report, the SIQ treatment record, and letters of support.
3. You have also submitted your sworn statement, Combat Action Ribbon citation, and DD Form 214 as supporting evidence.

Because your application involves a request for an award, the CORB reviewed your contentions and the available records, and issued an AO on 10 September 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

- The Petitioner's claim for the PH is without merit.
- The Petitioner's claim is undermined by the [Personnel Casualty Report] ("PCR"), the in-theater concussion evaluation, and his own statement.
 - The PCR states...the Petitioner was the turret gunner in a vehicle whose mine roller struck an IED and detonated it. The PCR says, "***No injuries to report at this time***", but that the Petitioner would be evaluated by a duty corpsman at [REDACTED] and later further evaluated by the [REDACTED] medical team - which should have included a medical officer - upon return to [REDACTED].
 - The PCR closed by stating a supplemental PCR would follow as necessary. We found no evidence that any supplemental PCR was ever submitted, which leads to the logical conclusion the original PCR was accurate, i.e., "***no injuries to report at this time.***"
 - On the fragment of the concussion evaluation (aka MACE) submitted by the Petitioner next to the "***Assessment: Full MACE Score***" section, "***No concussion***" is circled. Further down the form under "***Other Diagnosis***" is

indicated "**No concussion.**" Lastly, at the bottom of the form in handwriting is, "24 hrs SIQ [sick in quarters] upon further eval to leave wire tonight."

- The Petitioner himself wrote in his personal statement dated 14 Apr 2025, "...at the time I chose not to report the extent of my injuries due to the high operational tempo and my commitment to staying with the unit. " If true, this admission is prima fascia [sic] evidence that any injuries he may have sustained did not necessitate treatment by a medical officer. We do note the Petitioner's statement contradicts his entry in Block 15 of the DD149, which includes "*I reported symptoms immediately, and was placed on 24-hour SIQ.*"

- The disability related documents submitted by the Petitioner are not probative. The disability evaluation system is wholly separate and independent of the military awards program. Disability determinations have no impact on awards of the PH.

- The presumption of regularity in government affairs requires we presume that if the Petitioner had suffered a PH-qualifying wound, the wound and its treatment would be documented in his medical records. There is no evidence in the Petitioner's records to substantiate he was ever diagnosed with an elbow injury or an mTBI. The Petitioner failed to present evidence sufficient to overcome the presumption. (Emphasis in original).

The 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." (Emphasis in original).

After careful review, the Board reached the following conclusions and denied your application for relief. 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-related 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/loss of consciousness (LOC) requirements for concussive events, and/or that such wound(s) required treatment by a Medical Officer. The Board concluded that the medical evidence, the MACE evaluation, and the PCR all 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 none of the required mTBI/LOC notations were ever entered into your service and/or medical records in a timely fashion in December 2010.

The Board noted that the PH is among the most recognizable and prestigious of U.S. military awards, and 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.

Notwithstanding the Board's decision to deny your request, this Board sincerely appreciates, respects, and commends you for your honorable and faithful service during ██████████ and your entire military career. Nothing in this decision is intended to diminish the value of your military service.

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,

3/31/2026

