



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

██████████
Docket No. 562-26
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 27 April 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.

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.

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:

- You enlisted in the U.S. Marine Corps and began a period of active duty service on 12 February 2007. You honorably completed your period of active duty on 11 February 2011.
- In 2008, you were deployed in Afghanistan in support of Operation Enduring Freedom (OEF). You contend that you sustained a traumatic brain injury ("TBI" or "mTBI") with a loss of consciousness (LOC) caused by enemy action as a result of a rocket propelled grenade (RPG) blast in ██████████, while serving with ██████████ ██████████ ██████████ ██████████.

- Post-service, on or about 7 November 2017, Headquarters, United States Marine Corps (HQMC) denied your request for the Purple Heart Medal (PH). HQMC stated, in part, that you did not provide any medical documents from your incident reflecting any LOC.

- On 23 October 2023, HQMC again denied your PH request. HQMC noted that in your reconsideration request you provided the same two (2) eyewitness statements and personal statement previously reviewed and disapproved. HQMC further stated that a Personal Casualty Report (PCR) does not exist for you for the time/date in question. HQMC advised you that the only way to receive further reconsideration from HQMC was if you were able to provide new and relevant evidence not previously presented, as well as an endorsement from your Platoon Commander at the time of your injury.

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that, at the time of your injury(ies), you had to gather yourself and continue to hold your position and continue to fight the rest of the day. You contended there was a failure to report the injury given the intense operational tempo of your combat unit.

After careful review, the Board reached the following conclusions and denied your application for relief. 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/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/LOC requirements for concussive events, and/or that such wound(s) required treatment by a Medical Officer. The Board concluded that available evidence indicated that your purported 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 May 2008, nor was a PCR ever prepared documenting your injury(ies).

The presumption of regularity in government affairs requires that the Board presume that if you had suffered a PH-qualifying wound, the wound and its treatment would be documented in your medical records. However, there is no evidence in your records to substantiate you were ever diagnosed with an mTBI and/or LOC. Accordingly, the Board concluded you failed to present evidence sufficient to overcome the presumption.

The Board noted that your application to this Board consists of the very same witness statements and personal statement previously considered and denied by HQMC on two separate occasions, and that you have not provided any new and relevant evidence not previously considered. Additionally, the Board noted that your own statement cannot provide a factual basis for the award of the PH. Moreover, eyewitness testimony may be considered in PH cases only when there was a complete or partial loss of service and/or medical records. The Board determined there was no evidence of such loss in your case, thus, the Board concluded that your notarized witness statements were not probative.

The Board decision is an objective assessment of the evidence available vis a vis the applicable statutes, regulation, and standard concerning the award of the PH. Nothing in the foregoing is intended to impugn your integrity or motives, or in any way diminish the value of your outstanding military service. The Board 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 your request does not merit relief.

The BCNR sincerely appreciates, respects, and commends you for your Honorable and faithful service during OEF 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,

5/13/2026

