



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100 CRS

Docket No: 8264-09
19 February 2010

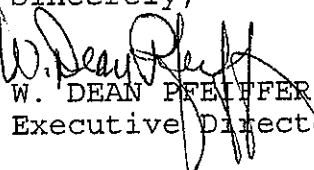


This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 February 2010. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps dated 15 December 2009, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VA 22134-5103

IN REPLY REFER TO:
1650
MMMA-3
15 Dec 09

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Subj: REQUEST FOR ADVISORY OPINION IN THE CASE OF [REDACTED]

1. A thorough review of [REDACTED] records, the records at this Headquarters, and the statements provided failed to reveal his entitlement to the Purple Heart Medal.

2. [REDACTED] was previously denied the Purple Heart by this Headquarters on November 30, 2005. We have again reviewed his records and the statements he provided, and the same determination has been made that he is not entitled to a Purple Heart. The statements he submitted cannot be used as a determining factor for a Purple Heart award. The criteria for the Purple Heart Medal indicates that he must have been treated by a medical officer at the time of his injury. Additionally, a minor wound not requiring treatment by a medical officer does not qualify for the Purple Heart Medal. The statements from Messrs [REDACTED] and [REDACTED] state that he was involved in an ambush but did not witness how he received the injury. After the fighting had stopped, they noticed that [REDACTED] had a bandage on his hand and returned to duty. Since they were not present with [REDACTED], there statements cannot be accepted.

3. Point of contact at MMMA-3 is Mrs. D. McKinnon at (703) 784-9340.

E. HIMLER
Assistant Head, Military Awards Branch

100-5 2010