



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

DEC 13 2012

The Honorable Duncan Hunter
U.S. House of Representatives
Washington, DC 20515

Dear Representative Hunter:

Thank you for your interest in Sergeant (Sgt) Rafael Peralta. I appreciate the time and attention you have devoted to the question of whether Sgt Peralta should be awarded the Medal of Honor (MOH) posthumously. I too, therefore, have taken a great personal interest in the matter and have personally reviewed this case, including the video and other materials you provided to us. Given Sgt Peralta's courageous sacrifice and faithful service to our country, I felt I owed him and his family no less.

As you know, the MOH is our Nation's highest military award for valor in combat; understandably, the standard for awarding it is stringent. Unlike the Navy Cross, for example, Department of the Navy regulations state that "[t]here must be no margin of doubt or possibility of error in awarding this honor [Medal of Honor]." Likewise, Department of Defense (DoD) regulations require "proof beyond a reasonable doubt" that the Service member performed the valorous action for which the MOH is recommended.

Though eyewitness accounts are mostly (but not entirely) consistent, there is considerable medical and professional doubt about whether Sgt Peralta could have performed the actions attributed to him, and whether the grenade exploded underneath him, as some have suggested. The doubts about this come from, among others, the medical examiner who actually performed the autopsy on Sgt Peralta, from the Armed Forces Medical Examiner and his Armed Forces Medical Examiner System's board of certified forensic pathologists, and a number of other medical professionals who have looked at this case. I cannot, consistent with my responsibilities, disregard this evidence, as they cast more than a reasonable doubt on what happened on November 14, 2004. To disregard this evidence, or to abandon the beyond-a-reasonable-doubt standard for the MOH, would also be unfair to all others considered for the MOH but whose heroic actions fell just short of this rigorous evidentiary standard.

Finally, the Department of Defense Manual 1348.33-V1, "Manual of Military Decorations and Awards: General Information, Medal of Honor, and Defense/Joint Decorations and Awards," requires "new, substantive, and material information," for reconsideration of a previously disapproved MOH recommendation. This information must have been previously unknown and not considered by recommending and disapproving officials. The material you submitted does not, in the judgment of the Navy Department Board of Decorations and Medals, constitute "new, substantive, and material information." DoD General Counsel agrees with that assessment.

In light of the strict standards that have been established for awarding the Medal of Honor and the fact that a thorough review of the evidence has not indicated "proof beyond a reasonable doubt," I cannot in good conscience change the recommendation of Secretary Robert Gates.

Please know this has been a difficult case for me. My heart goes out to the Peralta family. If you require further information, DoD's General Counsel, Mr. Jeh Johnson, is available to brief you.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Gates", with a long horizontal flourish extending to the right.