



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No: 1098-21
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your deceased father's naval record pursuant to Title 10, United States Code, Section 1552. 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.

A three-member panel of the Board, sitting in executive session, considered your application on 12 July 2021. The names and votes of the panel members will be furnished upon request. Your allegations of error or injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the 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, applicable statutes, regulations, and policies.

Your father, Mr. Charles Staubach enlisted in the U.S. Navy and began a period of active duty on 6 April 1932. On 28 April 1944, he was assigned to the █ and participated in the invasions of Leyte, East of Samar, Philippine Islands, during World War II (WWII). On 25 October 1944, the █ was attacked, and, as a result, your father succumbed to his wounds received in action while in the line of duty. He was posthumously awarded the Purple Heart, Presidential Unit Citation with Bronze Star, American Defense Service Medal, and WWII Victory Medal.

On 29 March 1945, your father's spouse received correspondence from his commanding officer informing her he was recommending your father be awarded the Bronze Star for his actions aboard the █ on that fateful day. Unfortunately, your father's naval service record did not contain historical documentation of the award submission or any subsequent action taken.

On 13 September 2018, the Office of the Chief of Navy Operations (CNO) responded to a request from the Office of the █ inquiring about your father's eligibility for the Bronze Star for service during WWII. After thorough review, the Office of the CNO indicated

that “no further action can be taken at this time based on the current submission” due to time limitations established by statute or regulation. However, it was determined that your father was eligible for the Combat Action Ribbon for service during WWII. Additionally, Senator Rubio’s office was provided with the requirements for submission of award nominations stemming from past conflicts.

On 21 October 2019, you submitted a letter to the President of the United States requesting assistance on your father’s eligibility for the Bronze Star. On 20 February 2020, the President, Navy Department Board of Decorations and Medals, on behalf of the President of the United States, responded to your request informing you that no action can be taken by the Department via the normal administrative awards process, and instructed you to petition the Board for Corrections of Naval Records.

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered the following contentions: your father receive the Bronze Star for his heroic service in connection with combat operations against hostile foreign forces during WWII; the ship’s Captain praised your father’s courage and service, and stated he was recommending him for the Bronze Star; it is unjust that the U.S. Navy has no record of the recommendation and that your previous request was denied; and the award would inspire his great-grandchildren. The Board also considered the documentation you provided in support of your father’s actions aboard the [REDACTED] during WWII. The Board, relying on the correspondence from both the Office of the CNO and the Navy Department Board of Decorations and Medals, and noting the lack of historical documentation or additional documentary material in support of your application, did not find evidence of an error or injustice that warrants your father’s entitlement to the Bronze Star.

You are entitled to have the Board reconsider its decision upon the 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,

7/23/2021

[REDACTED]

Executive Director

Signed by [REDACTED]