



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

[REDACTED]
Docket No: 3378-21
Ref: Signature Date

[REDACTED]

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 26 July 2021. 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 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, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

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.

You enlisted in the U.S. Marine Corps and began a period of active duty on 14 December 1951. On 10 November 1952, you were assigned to [REDACTED] 1st Marine Division (Reinf), FMF. From 10 November 1952 to 27 July 1953 you participated in operations against enemy forces in Korea. On 02 December 1953, you were released from active duty with an honorable characterization of service and the following awards annotated on your original DD 214: National Defense Service Medal; Korean Service Medal with three (3) bronze stars; and United Nations Service Medal. On 13 December 1959, you fulfilled your service obligation in

the Marine Corps Reserves and were issued an honorable discharge certificate documenting your honest and faithful service.

You made two separate requests for a set of medals issued. Along with these requests you asked for a review of any updated medals/awards you may be entitled to since your discharge, and you asked for a review of your rank. According to your correspondence, your DD 214 documents Corporal but other documents listed your rank as Lance Corporal. On 18 July 2005, correspondence from the National Personnel Records Center revealed your final rank at the time of your discharge as Corporal and confirmed that rank was correct. Service Record entries show you were waived from the Sergeant promotion exam but there is no record of you being promoted to this rank. On three separate occasions you received correspondence from the Department of the Navy (DoN), Navy Personnel Command (PERS 312), specifically, forms NAVPERS 1650/65 (7-91), NAVPERS 1650/96 (01/07), and NAVPERS 1650/96 (revised 11/2016) "Transmittal Of and/or Entitlement To Awards" dated 18 July 2005, 27 November 2007, and 24 June 2021, informing you that a review of your record indicates you are entitled to the following awards: National Defense Service Medal, Korean Service Medal with three (3) bronze stars, United Nations Service Medal (Korea), Republic of Korea War Service Medal, Republic of Korea Presidential Unit Citation, Combat Action Ribbon, and Navy/USCG Unit Commendation Ribbon. A copy of this letter was filed in your official military records.

The Board carefully reviewed all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your contentions that you were promised a promotion to the rank of Sergeant and to be awarded the Purple Heart Medal due to injuries you received during your service in Korea. The Board also considered the correspondence from the Department of the Navy (DoN), Navy Personnel Command (PERS 312), regarding the transmittal of the awards you are entitled to wear. Based upon this review, the Board did not find evidence of error or injustice that warrants your entitlement to the rank of Sergeant or the Purple Heart Medal. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

8/5/2021



Executive Director

Signed by: 