



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

█
Docket No. 6728-21
Ref: Signature Date



Dear █,

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 16 December 2021. The names and votes of the members of the panel 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.

You requested promotion to E-5 and awarding of the Bronze Star with Combat "V." The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that no evidence existed in your naval record of selection for advancement or advancement to HM2 E-5 prior to your release from active duty on 24 June 1972; nor was there advancement prior to your Naval Reserve discharge date of 3 March 1974. On 21 September 1977 you enlisted in the Naval Reserves for 2 years in the rate of HM3 E-4 and later discharged in the same rate and paygrade effective 20 September 1979. In respect to the awarding of the Bronze Star with Combat "V" there was no evidence in your record to support your assertion.



By law and regulations, recommendations for any Department of the Navy personal decoration must be originated and introduced into official channels within 3 years of either the date of the heroic act or the ending date of the meritorious service period. In 1996 Congress amended Title 10 (10 U.S.C. §1130) to require the Secretary of the Navy to consider award recommendations made outside these time limits, providing the award was referred to him by a Member of Congress. The law does not require the Secretary to waive any other award processing requirement other than the time limit. In order to maintain the integrity and fairness of the military awards system, specific procedures have been developed within the Department of the Navy for submission, processing, and approval of award recommendations that are outside the time limits established in law or regulations.

As you have not exhausted your administrative remedies, you must first seek relief by submitting a complete awards recommendation package for the Bronze Star Medal to your member of Congress. Your member of Congress will then forward the package to the Navy Office of Legislative Affairs for processing.

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,

1/14/2022



Deputy Director

Signed by:

