



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

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Docket No: 7746-21
Ref: Signature Date

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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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel of the Board, sitting in executive session on 6 June 2022. 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 Kurta Memo, and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo). In addition, the Board considered an advisory opinion (AO) was prepared by the Navy Department Board of Decorations and Medals (NDBDM), dated 29 March 2022. You were provided an opportunity to comment on the AO but chose not to do so.

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.

As part of the Board's review, it considered the AO. The AO provided in pertinent part:

In 2022, it may seem remarkable that a person could serve in the Navy for nearly four years, receive an honorable discharge, and yet not wear a single ribbon on his uniform. But the Petitioner served between the Korean and Vietnam conflicts,

and peacetime awards were rare then. Further, most of the service medals and ribbons that exist today were created after the Petitioner left the Navy and are not retroactive to the 1950s. The point being that the Petitioner's situation is not unique, and the absence of any listed awards on his DD214 is not in itself evidence of any error of omission or injustice.

We apologize for the delay in providing this opinion. We spent more time reviewing this case than perhaps any other awards lineup case during the past 10 years. We turned over every stone and looked in every corner to see if there was any way possible the Petitioner may have qualified for at least one military medal, including medals he had not requested. Regrettably, we could find no evidence to substantiate any Navy award. As stated above, this in no way diminishes the value of his service to the Navy and the Nation. He simply served during a time when medals and ribbons were rare.

The AO concluded, “[i]n summary, after a thorough review of available evidence and regulations, we concluded the Petitioner is not entitled to the military awards he requested in his petition. We found the Department's various prior denials of the Petitioner's requests to be neither arbitrary nor capricious, nor did we find any evidence of any material error or injustice. Therefore, we recommend BCNR deny relief. Were BCNR to grant relief in this case, such action would be inconsistent with the criteria and standards applied to all other Service members.”

The Board carefully considered 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 are you are entitled to several awards and 10 months of service that were not been documented on your Certificate of Release or Discharge from Active Duty, DD Form 214. Based upon this review, the Board substantively concurred with the AO and concluded that you are not entitled to the requested awards. Additionally, the Board found insufficient evidence to support a finding that your statement of service on your DD Form 214 is incorrect. 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,

6/20/2022

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Executive Director

Signed by █