



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: 0442-22
Ref: Signature date



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 23 May 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, applicable statutes, regulations, and policies. Additionally, the Board reviewed an advisory opinion (AO) provided by Navy Department Board of Decorations and Medals (NDBDM) dated 31 March 2022, which you were afforded the opportunity to rebut, but you did not do so.

You enlisted in the Marine Corps and began a period of active duty on 5 February 1952. During the period from 3 September 1952 to 2 August 1953, you participated in operations against communist forces on the █ with █. On 4 February 1954, you were released from active duty with an honorable character of separation. At the time of your separation you were issued a Report of Separation from the Armed Forces of the United States (DD Form 214) that indicated your entitlement to the Korean Service Medal with three campaign stars, United Nations Service Medal, and the National Defense Service Medal.

You have previously petitioned and been denied by both the Military Awards Branch and this Board for the Bronze Star Medal (BSM) and two Purple Heart Medals (PH).

As part of the Board's review, the Navy Department Board of Decorations and Medals reviewed your request for entitlement to the BSM and PH and provided the Board with an AO on 31 March 2022. The AO indicates that you did not submit any new, substantive, and relevant material evidence that was not reasonably available when the Board denied relief in 2021 and they stand by their previous AO. Additionally, none of the supporting statements submitted can be used in support of the BSM application as all three individuals have no firsthand knowledge of the events in question, they only learned of the alleged actions from you.

The Board carefully weighed all of the factors you presented to support your request for the BSM and two PHs. The Board noted your honorable and faithful service in the Marine Corps. Unfortunately, upon review of the evidence provided, the Board concurred with NDBDM's AO and did not find any evidence of an error or injustice that warrants your entitlement to the two aforementioned awards.

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,

6/27/2022

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Executive Director

Signed by: █