



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

[REDACTED]
Docket No: 0902-22

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting he be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) adding his awards: the Silver Star Medal (SSM), Bronze Star Medal (BSM), Navy and Marine Corps Commendation Medal (NC) with two gold star devices, Purple Heart (PH) with two gold star devices, and schools: Parachute Rigger Accession School (PR 'A' School), and Aircrew Survival Equipmentman School.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 18 July 2022, and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the U.S. Navy Reserve and began a period of active duty on 31 January 1962. Documents in Petitioner's official military personnel file (OMPF) document

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Petitioner attended and completed Parachute Rigger Accession School (PR 'A' School) at Naval Air Technical Center (NATTC), Naval Air Station (NAS) [REDACTED] from [REDACTED] [REDACTED]. On 1 October 1970, Petitioner is released to inactive duty with an Honorable characterization of service.

d. Petitioner requests a DD Form 215 adding awards allegedly earned during combat action in Vietnam from 1969 to 1970. Specifically, he asserts that he was awarded the Silver Star Medal (SSM), Bronze Star Medal (BSM), Navy and Marine Corps Commendation Medal (NC) with two gold star devices, Purple Heart (PH) with two gold star devices. In addition, he requests that schools he attended be added to his DD Form 215 to include Parachute Rigger Accession School (PR 'A' School) and Aircrew Survival Equipmentman School.

e. Petitioner submitted an initial statement, a statement in rebuttal to the Advisory Opinion (AO) provided from the Navy Department Board of Decorations and Medals, correspondence from the Board of Veteran's Appeals, a photo of his shadow box containing his medals, a personal summation of his Vietnam experience, and character statements for consideration.

f. In connection with Petitioner's request, the Board requested and reviewed an Advisory Opinion (AO) provided by the Navy Department Board of Decorations and Medals. The AO stated in pertinent part:

In short, there is no evidentiary support for any of the Petitioner's claims. The Petitioner's service and medical records contain no evidence of his being medically cleared for aerial flight or participating in aerial mission with [REDACTED] or any other squadron. His record contains no evidence of his being nominated for, or awarded, any of the personal decorations he claims. Nor do his records contain any evidence that he ever sustained any PH qualifying wound, or received treatment by a medical officer for any such wound.

The statements submitted by the Petitioner are not probative. None of the persons who provided statements personally witnessed any heroic or meritorious act performed by the Petitioner in combat. All of the statements are hearsay, i.e. they merely repeat what the Petitioner told the person who made the statement. Per ref (c), the personal account of the intended recipient cannot form the factual basis for any personal decoration or the PH. Therefore, the Petitioner's own statement is not probative.

The presumption of regularity in government affairs requires we presume official records are complete and accurate, unless presented preponderant evidence to the contrary. The official records do not substantiate any of the Petitioner's claims, and the Petitioner failed to submit evidence to overcome the presumption. We must therefore presume the reason the Petitioner was not awarded any decoration or the PH is that he did not perform any act meriting a decoration, or suffer any PH qualifying wound.

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The AO concluded, “[b]ased on thorough review of evidence available and pertinent policies and standards, we concluded the Petitioner is not entitled to the SSM, BSM, NC, or PH. We found no evidence of material error or injustice, and 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.”

g. On 7 July 2022, Petitioner submitted a rebuttal to the AO acknowledging that his record does not support his request for the medals. He argues that if the Board were to “go strictly by the book” then he wouldn’t “have a leg to stand on.” He asserts the reason he is requesting a correction to his record is because it is missing the awards documentation.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner’s request warrants partial relief. The Board determined the preponderance of the evidence supports a finding that he attended and completed Parachute Rigger Accession School (PR ‘A’ School). Thus, the Board determined this aspect of Petitioner’s record requires correction.

However, with regard to Petitioner’s request for a Silver Star Medal (SSM), Bronze Star Medal (BSM), Navy and Marine Corps Commendation Medal (NC) with two gold star devices, and Purple Heart (PH) with two gold star devices, the Board determined insufficient evidence of error or injustice exists to support relief. In making this finding, the Board concurred with the AO that there is no evidentiary support for Petitioner’s claim. Based on the complete lack of supporting evidence for any of the requested awards, the Board determined the absence of the requested awards in his record is not an error. Further, the Board found no injustice with Petitioner’s case since his evidence, as accurately pointed out in the AO, is based solely on his narrative of events without any corroboration from independent sources. Ultimately, the Board determined it was not in the interests of justice to grant relief since Petitioner’s record contained absolutely no supporting evidence for any of the awards. The Board agreed with the AO that to grant relief in Petitioner case would, in effect, create an injustice since it would be inconsistent with the criteria and standards applied to all other service members. Accordingly, the Board concurred with Petitioner’s own assessment that his request for the awards lacks the necessary evidence to support relief based on a consideration of his case in accordance with applicable guidance.

Similarly, the Board found no evidence Petitioner attended Aircrew Survival Equipmentman School. Absent corroborating evidence, the Board determined Petitioner’s assertion was insufficient evidence to support his request to add this school to his record. Accordingly, the Board determined insufficient evidence of error or injustice exists to grant relief on this issue.

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RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

A Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) be issued to Petitioner adding his "Parachute Rigger Accession School (PR 'A' School)."

No further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

8/9/2022

