



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. 3886-22
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your father's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your father's 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 13 February 2023. 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 father's naval record, an Advisory Opinion (AO) provided by Navy Department Board of Decorations and Medals (NDBDM), dated 2 February 2023, and applicable statutes, regulations, and policies.

Your father enlisted in the Naval Reserves and began a period of active duty on 20 July 1943. On 8 March 1945, he began a period of unauthorized absence (UA) which lasted 23 days. On 2 April 1945, he was convicted by summary court martial (SCM) for a period of UA. He was sentenced to solitary confinement on bread and water, and forfeiture of pay. On 18 March 1946, he was honorably discharged. On 10 October 1950, he began a second period of active duty. On 8 February 1952, he was honorably discharged.

The Board carefully weighed all of the factors you presented to support your father's request to be awarded the Navy Good Conduct Medal (NGCM), the National Defense Service Medal (NDSM), the █ Service Medal (KSM), the United Nations Service Medal (UNSM), and the Republic of █ War Service Medal (ROKWSM). You contend that your father served during WWII from 20 July 1943 to 18 August 1946, and again during the █ War from 10 October 1950 to 8 Feb 1952. Further, you contend there are not medals listed for your father's service

during the █ War and only a limited number of medals including the Victory Medal (American Area and Asiatic Pacific).

Based on your request for medals, the Board requested the AO. The AO determined your father was entitled to the NDSM, KSM with two bronze stars, UNSM, ROKWSM, and Republic of █ Presidential Unit Citation. However, the AO determined your father was not entitled to the NGCM. A DD Form 215 was issued correcting your father's record with regard to the medals to which he was entitled.

Therefore, the Board only considered whether your father was entitled to the NGCM. In order to qualify for the NGCM, an enlisted Sailor must have three years of continuous active service with no courts-martial. Based on your father's conviction by a SCM in 1945, the Board determined he was not eligible for the NGCM. Therefore, while the Board noted your father's honorable and faithful service in the Navy, unfortunately, upon review of the evidence provided, the Board found insufficient evidence of error or injustice to grant your request for a NGCM. 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 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,

2/28/2023

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Executive Director

Signed by: █ 8