



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

██████████
Docket No. 5636-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████, ██████████,
USN, ██████████

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
(3) Advisory Opinion of 6 Jan 23

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 that he receive the combat action ribbon (CAR).

2. The Board, consisting of ██████████ and ██████████, reviewed Petitioner's allegations of error and injustice on 8 February 2023 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. 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.

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. Although Petitioner's 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 the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 3 September 1968. Petitioner served ██████████ from November 1968 to September 1969. Petitioner was honorably discharged, and transferred to the Fleet Reserve on 4 July 1970. Upon the completion of his active service, the former member was issued an Armed Forces of the United States Report of Transfer or Discharge (DD Form 214). Pertinent parts of the Petitioner's DD Form 214 reflects he was awarded the National Defense Service Medal, ██████████

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Service Medal with one campaign star, and the Republic of [REDACTED] Campaign Medal with device (1960).

c. On 4 August 2015, Petitioner appealed to [REDACTED] and NPC requesting to be awarded the CAR. On 23 November 2018, Petitioner's request was denied by Naval Personnel Command.

d. As part of the Board's review, Navy Personnel Command Navy Department Board of Decorations and Medals (NDBDM) provided the Board with enclosure (3), an advisory opinion (AO). The AO stated in pertinent part:

The presumption of regularity in government affairs requires we presume that, had the Petitioner served with a unit or vessel that was awarded the CAR, or individually met the criteria, evidence of that would have been documented in his record, and his command would have taken the steps necessary to award him the CAR.

In this case we believe the statements of the Petitioner's two fellow Sailors that he was with them when they qualified for the CAR, combined with their own self-certification documents and authorizations for the CAR, are evidence the Petitioner's own 1969 request may not have been processed properly. The evidence is not strong, but there is sufficient doubt that may justify BCNR granting relief.

The AO concluded by recommending BCNR grant relief by correcting the Petitioner's record to reflect entitlement to the CAR.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants relief. The Board reviewed Petitioner's application under the guidance provided in reference (b).

The Board carefully reviewed Petitioner's application, weighed all potentially mitigating factors, and concluded that Petitioner is eligible to receive the CAR. In making their determination, the Board concurred with the AO.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action:

That Petitioner be issued a DD Form 215 documenting his receipt of the combat action ribbon.

That no further changes be made to Petitioner's record.

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That 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.

2/22/2023

[REDACTED]

Executive Director

[REDACTED]