



**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: 5858-22  
Ref: Signature Date



Dear Petitioner:

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 28 October 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 father's naval record.

Your father enlisted in the Navy and began a period of active duty on 7 May 1943. He was discharged, on 5 February 1944, with an Honorable characterization of service. His Notice of Separation from the US Naval Service (NAVPERS-553) notes he was awarded the European Theater Ribbon (2 Stars), American Theater Ribbon, and Victory Medal.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with applicable statutes and regulations. These included, but were not limited to, your desire for your father to be awarded the Purple Heart Award, Equator medal, and the French medal. You contend your father was injured in action, which entitles him to be posthumously awarded the Purple Heart.

Upon detailed review of your father's record, it does not document that he was injured, nor received treatment under the stipulations outlined to qualify him entitlement to the Purple Heart Award. Further, the French medal, and Equator medal are unknown to this agency, and are not awards authorized by the Department of the Navy. Therefore, while the Board commends your

father's honorable and faithful service in the Navy, unfortunately, upon review of the evidence provided, the Board concluded that it did not have a basis to award him the requested awards. 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,

11/18/2022

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Executive Director

Signed by: █