



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

██████████
Docket No. 8513-22

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, XXX-XX-██████████

Ref: (a) 10 U.S.C. §1552

Encl: (1) DD Form 149 with attachments
(2) Case Summary
(3) Advisory Opinion of 3 February 2023

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 Armed Forces Expeditionary Medal (AFEM), and Southwest Asia Service Medal (SWASM).

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 24 March 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. Additionally, the Board considered enclosure (3), an advisory opinion (AO) furnished by Navy Department Board of Decorations and Medals (NDBDM) dated 3 February 2023.

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 14 May 1990. Petitioner served on the ██████████ from 2 August 1993 to 13 May 1996. Petitioner was honorably discharged upon the completion of his active service on 13 May 1996. Upon the completion of his active service, the former member was issued a Certificate of Release or Discharge from Active Duty (DD Form 214). Pertinent parts of the Petitioner's DD Form 214 reflects he was awarded the Navy Achievement Medal (First), Navy Unit Commendation, Navy "E" Ribbon, Navy Good Conduct Medal, National Defense Service Medal, Sea Service Deployment Ribbon, and the Enlisted Submarine Breast Insignia.

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c. Petitioner was issued a Correction to DD Form 214 Certificate of Release or Discharge from Active Duty (DD Form 215), on 4 June 2021, which erroneously adds the Armed Forces Service Medal (3 Awards), and NATO Medal.

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:

Petitioner is entitled to the SWASM w/one bronze star device, but is not entitled to the AFEM. We also determined the DD Form 215 previously issued to the Petitioner erroneously includes the Armed Forces Service Medal (AFSM) with two bronze service stars (i.e., three awards) whereas he is only entitled to one award of the AFSM.

The AO concluded by recommending BCNR grant relief by correcting the Petitioner's record to reflect entitlement to the following awards: Navy Achievement Medal, Navy Unit Commendation, Navy "E" Ribbon, Navy Good Conduct Medal, National Defense Service Medal, Southwest Asia Service Medal w/one bronze star device, and Sea Service Deployment Ribbon.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial 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 SWASM with star, and AFSM. In making their determination, the Board concurred with the AO.

The Board also determined the previous DD Form 215, issued on 4 June 2021, is erroneous and should be removed from Petitioner's record.

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 reflecting his entitlement to the following awards in block 13: Navy Achievement Medal, Navy Unit Commendation, Navy "E" Ribbon, Navy Good Conduct Medal, National Defense Service Medal, Southwest Asia Service Medal w/one bronze star device, Armed Forces Service Medal, and Sea Service Deployment Ribbon.

The DD Form 215 issued on 4 June 2021 shall be removed from Petitioner's record.

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.

4/12/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]