

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

> Docket No: 9399-22 Ref: Signature Date



Dear Petitioner:

This letter is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found that the evidence submitted was 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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 11 April 2023. The names and votes of the members of the panel 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 this Board. 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You previously petitioned the Board (Docket No. 4448-21) requesting your naval record be corrected to reflect an Honorable characterization of service, that your rate be restored, and that all derogatory information from your service be removed. You were advised in a letter dated 13 January 2022 that the Board granted upgraded your characterization of service to Honorable and restored your rate to Fireman Apprentice/E-2.

The Board carefully considered your current request for advancement to Petty Officer Third Class (PO3)/E-4 as well as your request to be awarded the **Service** Medal (with bronze campaign star). The Board considered your claim although you were an E-3 at the time of your military sexual trauma that you were also serving in a [b]illet as the ships Water King (PO3/E-4).

Regarding your advancement to PO3, the Board noted that in order to be eligible for advancement, there are several requirements that must first be met which include but are not limited to the following: Favorable recommendation from the Commanding Officer/Officer In Charge, minimum time-in-rate must be met, successful completion of any service schools (if required), completion of the requisite evaluation within the computation period for the advancement cycle, and eligibility documented by a service record entry in accordance with the applicable Advancement Manual. With consideration of these requirements, the Board determined that there was insufficient evidence in your record, and you provided none, to support your claim that you should have been advanced to PO3/E-4.

In regards to your request for the service Medal with bronze campaign star, a review of your records revealed that you were previously issued your awards by the National Personnel Records Center on 19 August 1991. Veterans are only entitled to a one-time issuance of awards. Subsequent to the one-time issuance, awards may be purchased from various memorabilia firms. If you believe this is in error, you can request relief by submitting a request for personal decorations online via the National Archives at https://www.archives.gov/veterans/military-service-records or by mail to

for processing.

The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon the submission of new matters, which will require that you 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.

5	Sincerely,	
		5/3/2023
	Deputy Director	
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