

## **DEPARTMENT OF THE NAVY**

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

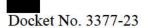
> Docket No. 3377-23 Ref: Signature Date

Dear ,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your 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.

A three-member panel of the Board, sitting in executive session, considered your application on 31 October 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. In addition, the Board considered the advisory opinion by Navy Personnel Command memorandum of 6 October 2023, and your response to the opinion.

You requested your DD Form 214, Certificate of Release or Discharge from Active Duty dated 2 August 1993 be corrected to reflect advancement to Hospital Corpsman Third Class (HM3)/ E-4, the Korea Defense Service Medal and the Navy and Marine Corps Overseas Service Ribbon. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded you did not meet the criteria for any part of your request in accordance with Navy policies. Specifically, Bureau of Naval Personnel Instruction 1430.16D stipulated frocking does not change the permanent status of a member nor authorize pay of entitlements governed by statute or regulation and is subject to restrictions outlined in the policy. Secretary of the Navy Instruction (SECNAVINST) 1650.1H indicates the eligibility requirements for the Korea Defense Service Medal is for a service member to have been assigned, attached or mobilized to units operating in the area of eligibility (AOE) and have been physically deployed in the AOE for 30 consecutive or 60 non-consecutive days. Additionally, SECNAVINST 1650.1H stipulates active duty personnel are required to complete 12 months of consecutive or accumulated duty at an overseas shore based duty station to be eligible for the Navy and Marine Corps Overseas Service Ribbon; of which, not more than 14 days of service time may be waived.



from 18 August 1992 to 19 July 1993; a total of 11 months and 2 days, rendering you ineligible for the Navy and Marine Corps Overseas Service Ribbon. During your assignment to \_\_\_\_\_\_\_, you were frocked to HM3/E-4 and awarded a Certificate of Commendation for the period of 2 February 1993 to 15 April 1993 indicating you supported \_\_\_\_\_\_\_\_ 1993, but there is no evidence reflecting you were deployed for 30 days or more in the AOE to be eligible for the Korea Defense Service Medal. On 2 August 1993, you were released from active duty and transferred to the Navy Reserve to complete your military service obligation before your scheduled effective date of advancement on 16 November 1993, thereby rendering you ineligible for advancement to HM3/E-4. Therefore, the Board determined a change to your record is not warranted.

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.

