



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. 6575-23
Ref: Signature Date

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Dear Petitioner:

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.

Although you did not file your application in a timely manner, the statute of limitation was waived. A three-member panel of the Board, sitting in executive session, considered your application on 13 November 2023. 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 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. Additionally, the Board also considered an advisory opinion (AO) furnished by the Navy Department Board of Decorations and Medals. Although you were afforded an opportunity to submit an AO rebuttal, you chose not to do so.

On 30 June 1977, you retired from the U.S. Navy at the grade of Captain. On 8 September 1967, the Commanding Officer (CO) for the █ submitted a recommendation to higher authority that you be awarded the Distinguished Flying Cross ("DFC") for extraordinary achievement or heroism while participating in aerial flight your actions on 27 July 1967. On 11 September 1967, the CO of the █ initiated a recommendation to higher authority that you be awarded an Air Medal (bronze star in lieu of second award) ("AM") for heroic achievement for your actions on 28 July 1967.

However, on 9 October 1967, Commander, █ disapproved the AM request. On 23 December 1967, Commander-in-Chief, █ disapproved the DFC request. On 25 May 2023, Navy Personnel Command informed you that a

comprehensive review of your service record did not support an eligibility determination for an AM.

You contend that an error of omission occurred and that you should receive a second AM. You submitted a copy of a signed AM certificate from 1968 you discovered during a review of your service record for genealogy and book writing purposes.

As part of the review process, the Board requested an opinion from the Navy Department Board of Decorations and Medals (NDBDM). The NDBDM determined and opined after reviewing all of the available evidence and the pertinent policies, procedures, and past practices, that you were not entitled to an AM with one bronze star device.

The NDBDM reviewed evidence taken from the official Department of the Navy central awards file. NDBDM noted that the records indicated that, in October 1967, ██████████ disapproved the AM recommendation and, in December 1967, ██████████ disapproved the DFC recommendation. The NDBDM observed that no official records contained any indication that ██████████ ever reconsidered the AM disapproval. Additionally, the NDBDM noted there were no entries in the minutes of the Navy Department Board of Decorations and Medals indicating your case was ever reconsidered at the Secretarial level. The NDBDM also noted there was no substantiation of the second AM award within your service record. Based on the presumption of regularity in government affairs, the NDBDM determined your official records were accurate and complete. The NDBDM concluded by opining that you failed to present sufficient evidence to overcome the presumption of regularity and that relief was not warranted in your case.

The Board, in its review of the entire record and petition, considered your contentions and your materials submitted. However, the Board unanimously determined, even after reviewing the evidence in the light most favorable to you, that at the present time you do not merit an AM with one bronze star device. The Board concurred with the NDBDM's overall assessment and determination that your awards were disapproved by either ██████████ or ██████████ in 1967, and not reconsidered by higher authority. The Board also determined that you did not submit sufficient evidence to overcome the presumption of regularity with government affairs. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The BCNR sincerely appreciates, respects, and commends you for your Honorable and faithful service in Vietnam and over your entire distinguished military career.

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,

11/18/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]