



There is insufficient evidence to substantiate the Petitioner's claim.

Navy records do not substantiate that the ROKPUC was authorized for any unit to which the Petitioner was assigned. However, Navy records do not include all joint units that may have received that award. We consulted Joint Staff J-1, but that office did not have a record of the ROKPUC being awarded to SOCKOR during the period the Petitioner was assigned.

The Navy Department Awards Web Service (NDAWS) database indicates that NAVSPECWARU 2 was authorized the HSM from 1 Feb 2008 to 15 Feb 2008. The Petitioner's Official Military Personnel File (OMPF) indicates he transferred out of that unit on 10 Sep 2000, i.e., 7.5 years prior to the period for which the HSM was authorized.

We could find no evidence that he qualified for the HSM for Operation SHADOW EXPRESS. His OMPF contains a fitness report that mentions his being on some sort of survey team at the American embassy, but as stated in subparagraph 2.b above, his presence within the area of that operation is not in itself sufficient to justify the award. Had he qualified under the HSM criteria, we would expect his commanders would have taken the steps necessary to authorize and document the award.

We are required to presume the official records are both complete and accurate, and that those in the chain of command at the time exercised due diligence in faithfully discharging their official duties. The Petitioner failed to present evidence sufficient to overcome the presumption.

The AO concluded, "Petitioner is not entitled to the HSM or the ROKPUC. We found no evidence of material error or injustice and therefore recommend BCNR deny relief. Were BCNR to grant relief in this case, such action would be inconsistent with the criteria and standards applied to all other Service Members."

After a detailed review of your record, the Board determined that your official military personnel file does not provide the necessary evidence to substantiate your request for the HSM or the ROKPUC. In making this finding, the Board substantially concurred with the AO that documented the lack of supporting evidence in your record to grant your request. As explained in the AO, absent substantial evidence to the contrary, a presumption of regularity applies in your case. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

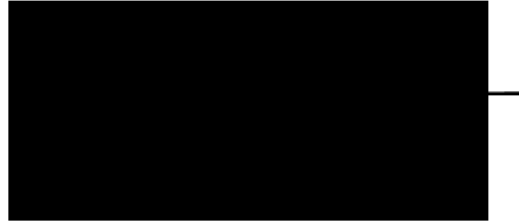
The Board appreciates your faithful and Honorable service to this country.

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,

8/26/2024

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