



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

██████████
Docket No. 4017-24
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 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 17 July 2024. 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 the 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, applicable statutes, regulations, and policies. In addition, the Board considered an advisory opinion (AO) from the Navy Department Board of Decorations and Medals. Although you were offered an opportunity to respond to the AO, you chose not to do so.

The Board determined that your personal appearance, with or without counsel, would 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 enlisted in the U.S. Navy Reserve, on 20 November 1961, and reported to ██████████
██████████. Upon graduation, you were commissioned as a naval officer and commenced a period of active duty on 13 April 1962. On 30 May 1965, you were honorably discharged upon expiration of active duty commitment.

Post discharge, you requested Navy Personnel Command (NPC), Records Management and Benefits Division to have your record reviewed and awarded the Navy Expeditionary Medal

(NEM). On 22 March 2024, NPC denied your request after determining your assigned ship ██████████ did not earn the NEM while you were onboard.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case. These included, but were not limited to, your desire for the NEM to be awarded and contention that the NEM was awarded while you were serving onboard ██████████ during the Cuban missile crisis.

As part of the Board review process, the BCNR considered the AO. The AO stated in pertinent part:

Based on the evidence available, the Petitioner's claim is without merit.

The Petitioner's official military personnel file (OMPF) substantiates he served aboard ██████████ from 11 May 1962 to 02 Jul 1963, and aboard ██████████ from 02 Jul 1963 to 30 May 1965. Per ref (c) and the Navy Department Awards Web Service (NDAWS) database, neither ██████████ nor ██████████ qualified for the NEM during those periods. We found no evidence the Petitioner ever served on any other ship for which the NEM was authorized.

The presumption of regularity in government affairs attaches to the Navy's central awards records, to the Petitioner's service record, and to the actions of his commanders while he was in the Navy. We are required to presume those records accurate and complete, that his chain of command acted with due diligence and good faith, and that their decisions were neither arbitrary nor capricious. The Petitioner failed to present sufficient evidence to overcome the presumption.

Based on the foregoing, we determined the Petitioner is not entitled to the NEM.

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

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that after thorough review of your record you are not entitled to the NEM. The Board concurred with the AO and determined that neither ██████████ nor ██████████ qualified for the NEM during your periods of service onboard the ships. As explained in the AO, there was no evidence that you served on any other ship for which the NEM was authorized. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board thanks you for your Honorable and faithful 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,

7/24/2024

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Executive Director

Signed by: █