



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. 4933-24
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 24 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, and applicable statutes, regulations, and policies. The Board also considered the advisory opinion (AO) furnished by the President of the Navy Department Board of Decorations and Medals (NDBDM). Although you were afforded an opportunity to submit an AO rebuttal, you chose not to do so.

You enlisted in the Marine Corps and commenced active duty on 28 May 1954. You were honorably released from active duty on 27 May 1956.

In your current application, you request that the Korean Medal (KSM), UN Korean Medal (UNSM), Navy & Marine Corps Good Conduct Medal (MCGCM), Overseas Service Ribbon (OSR), Presidential Unit Citation Ribbon for Korea (ROK PUC), and "The Ruptured Duck" be added to your official record.

As part of the Board's review, the Board considered the AO provided by the NDBDM. The AO stated in pertinent part:

There is no evidence in any official records indicating the Petitioner ever served within the territory, air space, or territorial waters of Korea prior to 27 Jul 1954,

and therefore he does not qualify for the KSM, UNSM, or ROK PUC. He did not serve in any unit to which the U.S. PUC was awarded during his assignment, and therefore does not merit that award either.

Petitioner's OMPF substantiates he had active service from 28 May 1954 to 27 May 1956, just barely more than two (2) years, so he does not meet the 3-year active service requirement for the MCGCM stated in ref (c). Even if he had met the active service criterion, he had three (3) nonjudicial punishments during that period, and therefore failed to meet the conduct criterion for the MCGCM. Therefore, he is not entitled to the MCGCM.

As stated above, the OSR is awarded only for service on or after 15 Aug 1974, so the Petitioner clearly fails to qualify for the OSR. 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. Had the Petitioner met the qualifications for any of these awards, that would have been documented in the records. The Petitioner failed to present evidence sufficient to overcome the presumption.

The AO concluded, "the Petitioner is not entitled to any of the awards he claims. We found no evidence of material error or injustice. Therefore, we 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."

Finally, the Board noted that "The Ruptured Duck" was a lapel pin issued for Honorable military service between 1925 and 1946.

After thorough review, the Board determined that your official military record personnel file (OMPF) does not provide the necessary evidence to substantiate your request for any of the requested awards. In making this finding, the Board substantially concurred with the review conducted by the NDBDM, resulting in the finding of no evidence of material error or injustice. Accordingly, given the totality of circumstances, the Board determined that your request does not merit relief.

The Board thanks you for your faithful and selfless 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,

8/22/2024

