



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

██████████  
Docket No. 6241-24  
Ref: Signature Date

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██  
██  
██

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 16 May 2025. 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, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo). The Board also considered the advisory opinion (AO) provided by Navy Department Board of Decorations and Medals (NDBDM). Although you were provided an opportunity to respond to the AO, you chose not to do so.

On 29 December 1943, you enlisted in the United States Navy Reserve and completed a period of Honorable service on 30 June 1947. On 10 January 1951, you were commissioned into the Medical Corps. In 1952, you were recommended for the Bronze Star Medal (BSM) but ultimately awarded a Commendation Ribbon. On 16 July 1953, you concluded a second period of Honorable service as a naval officer. You were subsequently discharged from the Navy Reserve on 29 June 1959.

The Board carefully considered all potentially mitigating factors to determine whether the interest of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to be awarded the BSM and your contention that your originally recommended BSM was downgraded to a Commendation Ribbon and should now receive the award for which you were initially nominated.

In reviewing your case, the Board considered the AO. The AO stated in pertinent part:

In the Petitioner's case, it does not matter that his battalion commander initially recommended award of the BSM. That commander did not have authority to award the BSM, so his input was merely a recommendation. The more experienced commanders at both the regimental and divisional levels, who had a far broader perspective on the acts being performed by personnel across the force and the recognition accorded those acts, determined the LOC was more appropriate than the BSM. There is nothing unusual or untoward about such a situation. In fact, it was and still is quite common that the level of decoration nominated by the most junior member of the chain of command is not the decoration that is ultimately approved. As stated earlier, nearly all the Sailors and Marines involved in ground combat in Korea were serving within ██████████. Therefore, the division commander and his staff would have seen nearly every single nomination for individual military decorations stemming from the entire combat theater and therefore had a far better perspective with which to judge the appropriate level of recognition for a specific act or accomplishment than would a commander of a single battalion.

It has never been customary to require any commander to provide an explanation for every discretionary award decision (or recommendation) he or she makes. The process by which these decisions are made is generally the same across the Navy and across time. The decision inherently involves the subjective judgment of the commander based on his or her experience. This does not in itself make such decisions arbitrary and capricious. We found no evidence, and the Petitioner failed to present any evidence, that indicates the Petitioner's award nomination was handled in any manner differently from nominations for other Marines and Sailors serving within 1st Marine Division at the time. We must presume the process was equitably applied to all Service Members and the Petitioner failed to present any evidence to overcome the presumption.

Regardless of the regulatory requirements, the Petitioner failed to present any evidence at all to support his claim for the BSM. No new, substantive, and materially relevant facts that were not available in 1952; and no evidence of impropriety or material error in the processing of his original 1952 nomination. He has therefore left the Board no choices other than either denying relief or taking the extraordinary step of merely substituting its own judgment for the judgment of the Commanding General of ██████████ who was making the decisions in probably hundreds if not thousands of such cases in Korea in 1952.

The AO concluded, "Petitioner is not entitled to the BSM and 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."

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, in reviewing your record, the Board concurred with

the assessment of the AO; specifically, that your record does not support the awarding of the BSM and that there is no evidence of material error or injustice. As discussed in the AO, there is a presumption of regularity to support official actions of public officers and, in the absence of substantial evidence to the contrary, this Board will presume that they have properly discharged their official duties. Ultimately, the Board determined the evidence you submitted was insufficient to overcome this presumption. Accordingly, given the totality of the circumstances, the Board determined your request does not merit relief.

The Board echoes the sentiments expressed in the AO regarding your Honorable and valued military service to the Nation during a time of war. Your dedication and sacrifice are deeply respected, and the Board extends its sincere gratitude for your service.

You are entitled to have the Board reconsider its decision upon the 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 is attached 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,

5/27/2025

