



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 5804-25
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 2 December 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 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.

You enlisted in the U.S. Navy and began a period of active duty on 19 November 1965. After a period of continuous Honorable service that included four enlistment periods, you accepted a commission on 27 October 1983. On 30 September 1997, you retired after reaching the maximum service or time in grade.

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 to be awarded the Navy Cross. You contend the Colonel who filed the paperwork through the Senators office to recommend you for the Bronze Star, submitted a request to upgrade to the Navy Cross in April 2011. However, the request was denied in January 2013 by the Department of the Navy Awards Board because the upgrade recommendation did not have new and relevant information to warrant the upgrade. You further contend the Colonel then filed a second upgrade request, in June 2016, but passed away in 2017. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application.

As part of the Board review process, the Board requested the AO to review your record for entitlement to the requested award. The AO stated in pertinent part:

In summary, the documentation submitted by the Petitioner fails to meet the DoD requirement for new, substantive, and relevant material evidence nor was evidence provided of material error or impropriety in the processing of the original BV nomination to warrant a reconsideration of the BV awarded by SECNAV in 2009. The BV, as recommended by COL and approved by SECNAV, succinctly captured the heroism of the Petitioner and that the additional statements provide details to what was already known.

This determination in no way diminishes the prestige of the decoration awarded to the Petitioner, the esteem due to him as a recipient of the BV, or the Department's gratitude for his honorable and faithful service to the Nation.

The AO concluded, "Petitioner is not entitled to an upgrade of the BV to the NX 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 thorough review, the Board concurred with the AO that you failed to meet the DoD requirement for new, substantive, and relevant material evidence. Further, the Board agreed with the AO that there was no evidence presented of material error or impropriety in the processing of the original Bronze Star with "V" nomination to warrant a reconsideration of the Bronze Star with "V" by SECNAV in 2009. As a result, the Board determined that there is no evidence of material error or injustice with your record. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board wholeheartedly agrees with the sentiment expressed in the AO that this determination in no way diminishes the prestige of the decoration awarded to you or the esteem due to you as a recipient of the Bronze Star, nor does it lessen the Department's gratitude for your Honorable and faithful service to the Nation.

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,

12/12/2025

