

NOT FOR PUBLICATION UNTIL  
RELEASED BY THE HOUSE  
COMMITTEE ON OVERSIGHT  
AND GOVERNMENT REFORM

**STATEMENT OF**

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**PRESIDENT, NAVY DEPARTMENT**

**BOARD OF DECORATIONS AND MEDALS**

**BEFORE THE**

**HOUSE COMMITTEE ON**

**OVERSIGHT AND GOVERNMENT REFORM**

**ON**

**MILITARY SERVICE RECORDS AND AWARDS**

**29 FEBRUARY 2012**

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Good morning Mr. Chairman and members of the Committee. I am honored to be able to testify to the Committee about the awards process within the Department of the Navy, and the procedures we use to verify awards received by members of the Naval service. Much of the work we do within the awards branches involves various types of records, but I must state upfront that my area of expertise is military awards, and I am not an expert in the field of Records Management or the full extent of personnel records and systems currently in use within the Department of the Navy. Unless otherwise stated, my comments pertain to decorations and medals for valor that are or have been presented to living recipients (not posthumously), as those awards seems to be the principal area of interest in discussions of fraudulent claims.

The integrity of the process by which our valor decorations and medals are approved is vital to maintaining the esteem in which these awards are held. The fundamental aspects of the award process are time tested and have not changed significantly since World War II. A recommendation for award of a valor medal may be initiated by a commissioned officer who has knowledge of the facts, and who is senior to the individual being recommended. No person may recommend himself/herself for an award. The recommending officer completes and signs a standard award recommendation form, which includes a narrative that is supported by the statements of eyewitnesses. The award recommendation is forwarded via the chain of command for endorsements and recommendations by intermediate commanders, and finally to the person who has authority to approve or disapprove the award. Intermediate commanders and awarding authorities normally convene boards to evaluate and advise them on individual award cases, but this practice is not required by law or regulation. Well-defined and longstanding procedures also exist for recommending valor decorations for veterans of past armed conflicts, and for reconsideration/upgrade of previously awarded decorations.

Although the basic process for award recommendation and approval has not changed significantly since WWII, what has evolved is the technology employed to move the award from originator to approval authority, and then to document/record the final award decision. From World War II through the post-Vietnam era, award recommendations were processed and recorded as hard copy paper documents. Since 2003 the Marine Corps has utilized a web-based paperless award recommendation, approval, and recording system. Although the Navy continues to use a standard paper format for award recommendations and approvals, metadata pertaining to Navy awards is maintained in a web-based, searchable database that contains data for awards as far back as 1963. Our awards branch staffs also have ready access to various other awards records covering WWII and later, but none of these collections is exhaustive.

For all periods of service during and after WWII, the most authoritative source available for verification of awards is the individual service member's Official Military Personnel File (OMPF). The OMPFs for Navy and Marine Corps personnel in active service, and those who left the service since the late 1990's, are maintained by the Navy Personnel Command and the Manpower Management Support Branch of Headquarters, U.S. Marine Corps. All OMPFs from earlier periods are maintained by the National Personnel Record Center (NPRC), National Archives and Records Administration, St. Louis, Missouri. The Navy and Marine Corps maintain liaison offices at NPRC to facilitate research of OMPFs, and awards can often be verified for us within a matter of days if the OMPF is readily available at NPRC. Records for personnel discharged more than 62 years ago are archival, and researching those records requires a more time consuming process.

The Department of the Navy gives priority support to law enforcement agencies that are investigating fraudulent award claims. Only two requests from law enforcement agencies for

verification of military awards have been received at the Service headquarters or Department level since 2008. During the same period, a small number of verification requests were also received from Members of Congress, the media, and the Department of Veterans Affairs. However, it is important to note that some law enforcement agencies, and other federal agencies, have access via the Defense Personnel Records Information Retrieval System (DPRIS) to the same data contained in the OMPFs of Navy personnel who served after January 1, 1995, and for Marine Corps personnel who served after January 1, 1999. It is impossible to know how many times DPRIS was used by these agencies to investigate fraudulent award claims.

When responding to an award verification request, our awards staffs always caution that the inability to locate an official record of a particular award is not, in and of itself, proof that the award was never made. It is possible that the person claiming to have received the award has in his/her possession some authentic documentation of the award. It is also possible that an error was made in recording the award, or that the pertinent record was either destroyed or cannot be located. Regardless of these possibilities, when no official record of an award can be found, the Department of the Navy is bound by the presumption of regularity in government affairs, and must therefore conclude that the award was never approved. In such a case, clear authentic evidence would have to be presented in order to overcome this presumption.

Again, I thank you for the opportunity to appear before this Committee.

**James E. Nierle**

President, Navy Department Board of Decorations and Medals

Since 2008 Mr. Nierle has headed the Navy Department Board of Decorations and Medals (NDBDM), an advisory body created by Secretary of the Navy Josephus Daniels in 1919, and in continuous operation since. The NDBDM advises both the Secretary of the Navy and the Assistant Secretary of the Navy (Manpower and Reserve Affairs) on individual award cases and award policy matters. He previously served as President and Presiding Member of the Department of the Navy Clemency and Parole Board, and as a member of both the Naval Discharge Review Board and the Department of the Navy Physical Evaluation Board (disability determinations).

Mr. Nierle is a retired Marine Corps officer who served 26 years on active duty. A veteran of Operation IRAQI FREEDOM, he commanded a battalion during a yearlong deployment to Al Anbar Province, Iraq.

Mr. Nierle holds a Bachelor of Science in Mechanical Engineering from the University of Southern California, Los Angeles, and a Master of Science with distinction in Joint Command and Control, Computer, and Communications Systems Technology from Naval Postgraduate School, Monterey, California.