



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

REC
Docket No: 09058-09
30 August 2010

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL OF RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) HQMC MMMA-3 memo dtd 17 Aug 10
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Marine Corps, filed enclosure (1) with this Board requesting, in effect, that he be issued all awards and medals he is entitled to for service in Vietnam.

2. The Board, consisting of Ms. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 25 August 2010 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures (1) through (4), naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the

statue of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps on 20 June 1967. He served heroically in Vietnam, and was injured twice during combat operations. During his two year enlistment, he and his unit's received numerous awards and decorations. However, did not receive all of them.

d. Per enclosure (3), he is entitled to receive the additional awards he requested.

e. Petitioner enlisted in the Marine Corps and was honorably released from active duty on 24 June 1969, with a physical disability.

CONCLUSION:

Upon review and consideration of all the evidence of record and especially in light of enclosure (3), the Board concludes that Petitioner's request warrants favorable action. The Board notes the fact that he served in various combat missions and was injured during those missions as a result of enemy fire. Accordingly, the Board concludes that, relief in the form of granting him with the requested.

In view of the foregoing, the Board finds the existence of an error and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 18 July 1968, he was awarded a second Purple Heart Medal, a Gold Star for wounds received in action, the CAR for service in Vietnam, the Presidential Unit Citation awarded to 1st Marine Division for service in Vietnam during the period of 16 September 1967 to 31 October 1968, the Meritorious Unit Commendation Medal with one bronze star awarded to 7th Marine Regiment for service during 4 May to 6 July 1968 and 5th Marine Regiment for service during 24 July to 23 October 1968, a Good Conduct Medal for service during 21 June 1967 to 24 June 1969, four bronze campaign stars for his Vietnam Service Medal, the Republic of Vietnam Meritorious Unit Citation (Gallantry Cross Color with palm and frame) ribbon bar and the Republic of Vietnam

Meritorious Unit Citation (Civil Action Color with palm and frame) ribbon bar.

b. Issue Petitioner a new DD Form 214 or DD Form 215 which reflects this corrected action.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


BRIAN J. GEORGE
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
By direction