



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: 4158-21
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 22 November 2021. 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, an advisory opinion (AO) provided by Navy Department Board of Decorations and Medals (NDBDM) dated 12 November 2021, 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).

You enlisted in the Navy and began a period of active service on 20 February 1969. From the period beginning on 22 October 1969 to 1 September 1971, you received non-judicial punishment (NJP) on three occasions for the following offenses: three specifications of unauthorized absence (UA), dereliction in duty, and willful disobedience. During the aforementioned period, you were counseled on four occasions regarding your misconduct and low marks in professional performance, military behavior, and military appearance. On 5 December 1972, you were convicted at a special court martial (SPCM) for two specifications of UA. On 12 April 1973, you signed an acknowledgment for your voluntary acceptance of a general discharge from naval service by reason of convenience of the government. On 16 April 1973, you were discharged under honorable conditions by reason of early separation under an authorized program. Upon your discharge you were issued the following awards: National Defense Service Medal, Republic of Vietnam Campaign Medal, Meritorious Unit Commendation, Armed Forces Expeditionary Medal and the Vietnam Service Medal.

On 31 October 2021, you were issued a Correction to DD Form 214 Certificate of Release or Discharge from Active Duty (DD Form 215) which reflected the addition of the following awards National Defense Service Medal, Republic of Vietnam Campaign Medal, Meritorious Unit Commendation w/ one bronze star, Armed forces expeditionary medal, Vietnam Service Medal with three bronze campaign stars, Republic of Vietnam Meritorious Unit Citation Gallantry Cross with Palm.

The Board considered your request to be awarded the Meritorious Unit Commendation, Republic of Vietnam Meritorious Unit Citation Gallantry Cross. As a result of your DD Form 215 dated 31 October 2021, the Navy Department Board of Decorations and Medals (NDBDM) Advisory Opinion (AO) recommended no action be taken by BCNR. The Board noted your honorable and faithful service in the Navy, the Board concurred with the Navy Department Board of Decorations and Medals (NDBDM) Advisory Opinion (AO).

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to upgrade the characterization of your service because your separation was authorized. The Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board noted your repeated misconduct and determined your were issued the appropriate character of service. The Board found not error or injustice in your record. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

12/13/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]

Enclosure: DD Form 215