



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

█  
Docket No: 1365-22  
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 11 July 2022. 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, and applicable statutes, regulations, and policies. Additionally, the Board reviewed an advisory opinion (AO) provided by Navy Department Board of Decorations and Medals (NDBDM) dated 11 May 2022. You were provided an opportunity to respond to the AO but chose not to do so.

You enlisted in the Navy and began a period of active duty on 22 August 1972. You served onboard USS █ between 19 November 1972 and 4 November 1974. You were discharged, on 6 November 1974, with an Honorable characterization of service.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with applicable statutes and regulations. These included, but were not limited to, your desire to be awarded the █ (█) and the █. The Board reviewed all attached evidence you provided with your application.

Based upon this review, the Board concluded the evidence was insufficient to warrant relief. Specifically, the Board found no evidence that the ship to which you were assigned, USS █ operated within the contiguous waters of █ or directly supported military

operation in [REDACTED] during the eligibility period for the VSM. Specifically, the VSM period of eligibility ended on 28 March 1973. Ship logs from the USS [REDACTED] document that the ship remained in [REDACTED] until 7 April 1973 and did not arrive in the Gulf of [REDACTED] until after the VSM eligibility period ended.

Similarly, the Board found no evidence that you met any of the criteria for the VCM based on your record of service. The Board found no evidence that you served in [REDACTED] or directly supported combat operations to Republic of [REDACTED] forces between 1 March 1961 and 28 March 1973—the period of eligibility for the VCM. Therefore, while the Board commends your honorable and faithful service in the Navy, unfortunately, upon review of the evidence provided, the Board concurred with the NDBDM AO that you are not entitled to either medal. 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,

7/27/2022

[REDACTED]

Deputy Director

[REDACTED]