



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

■
Docket No: 2872-22

Ref: Signature date

■
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 8 August 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, applicable statutes, regulations, and policies, and an advisory opinion (AO) provided by the Navy Department Board of Decorations and Medals (NDBDM) dated 23 June 2022. Although you were provided an opportunity to respond to the AO, you chose not to do so.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 26 June 1969. On 2 March 1973, you were discharged with an Honorable (HON) characterization of service by reason of released from active duty and transferred to the Naval Reserves. On the same date, you began your service obligation with the Naval Reserves. On 15 April 1975, you were discharged with an HON characterization of service by reason of completion of your Naval Reserves obligation.

You previously applied to this Board for a number of awards, including the Republic of Vietnam Meritorious Unit Citation Gallantry Cross with Palm (RVN MUC GC), but were denied

on 24 January 2022. In your most recent application, you again request the RVN MUC GC and submitted an Army General Order from 20 January 1970 as new evidence.

The Board carefully weighed all of the evidence you presented to support your request. While the Board again noted your honorable and faithful service in the Navy, unfortunately, upon review of the evidence provided, the Board determined you are ineligible for the requested award. In making their finding, the Board concurred with the Navy Department Board of Decorations and Medals (NDBDM) Advisory Opinion (AO). Specifically, the Board found that you were not eligible under the aforementioned Army General Order since you were not assigned to U.S. Military Assistance Command or its subordinate commands. Personnel assigned to █ ships were not eligible for the award, even if operating within the Vietnam combat zone, unless explicitly awarded the RVN MUC GC. Based on your record, the Board determined you did not meet the qualifications for the award. 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,

8/24/2022

█
Executive Director

Signed by: █