



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. 4922-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ■■■■■
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Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," 25 July 2018

Encl: (1) DD Form 149 with attachments
(2) Case Summary
(3) Advisory Opinion, 13 Oct 22

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that he receive the Vietnam Service Medal.

2. The Board, consisting of ■■■■■ reviewed Petitioner's allegations of error and injustice on 26 October 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).

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. Although Petitioner's 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 the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 6 March 1957. On 16 October 1975, Petitioner was discharged from the Navy with an Honorable character of service, and transferred to the Fleet Reserve.

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[REDACTED]

c. As part of the Board's review, Navy Personnel Command (PERS-312) provided the Board with enclosure (3), an advisory opinion (AO). The AO stated in pertinent part:

The official military personnel file (OMPF) contains an entry dated 20 Sep 1968, authorizing him to wear the Vietnam Service Medal for service on board [REDACTED], [REDACTED] from 1 Feb 68 to 29 Feb 68.

The AO concluded by recommending approval of Petitioner's request.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants relief. The Board reviewed Petitioner's application under the guidance provided in reference (b).

The Board carefully reviewed Petitioner's application, weighed all potentially mitigating factors, and concluded that Petitioner is eligible to receive the Vietnam Service Medal. In making their determination, the Board concurred with the AO.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action:

That Petitioner be issued a DD Form 215 documenting his receipt of the Vietnam Service Medal.

That no further changes be made to Petitioner's record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

4. 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.

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 Regulations, 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.

11/18/2022

[REDACTED]