



**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: 5660-22  
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 19 December 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, an advisory opinion (AO) provided by Navy Personnel Command (PERS-312) dated 19 October 2022, and applicable statutes, regulations, and policies.

You enlisted in the Navy and began a period of active duty on 28 July 1971. On 25 July 1975, you were honorably discharged from active duty.

The Board carefully weighed all factors in your case, including your desire to be awarded the Vietnam Service Medal, the Mayaguez Recovery Ribbon, the Honorable Discharge Ribbon, and the Meritorious Unit Commendation Ribbon. The Board considered your assertions that you were stationed in U-Tapao, Thailand for a month as part of the Mayaguez incident rescue efforts. The Board concluded these factors and assertions were not sufficient to warrant a change to your record. The Board concurred with the AO that there was no documentation in your record indicating that you served in Vietnam or were entitled to the Mayaguez Recovery Ribbon. Absent evidence that documents your entitlement to either award, the Board found no basis to grant your request. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Regarding the Honorable Discharge Emblem and Meritorious Unit Commendation, your record documents that both were previously awarded to you. A NAVPERS 1070/615 dated 13 April 1977 documents your Honorable Discharge Emblem and block 26 of your DD Form 214 documents your Meritorious Unit Commendation. Therefore, the Board took no action with either of these awards.

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,

1/12/2023

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