



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

[REDACTED]
Docket No. 8504-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with enclosures
(2) Case summary
(3) Navy Personnel Command memorandum 1650 PERS-312/SA of 11 April 2023

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, hereinafter referred to as the Board, requesting that his naval record be corrected to reflect his award of the Vietnam Service Medal (VSM) and the Republic of Vietnam (RVN) Campaign Medal, as well as his exposure to Agent Orange.¹

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error or injustice on 5 June 2023 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on Petitioner's naval record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or 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.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 11 August 1967 which he completed honorably on 9 September 1970. During his enlistment Petitioner served aboard the [REDACTED] and [REDACTED]

¹ Petitioner previously applied for this relief in Docket No. 8179-20, but his application was administratively closed because he had not exhausted his administrative remedies.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]

d. Petitioner asserts that his record does not reflect his award of the VSM or the RVN Campaign Medal, or his exposure to Agent Orange. He asserts that these omissions are unjust because he has presumptive disabilities related to Agent Orange exposure.

e. By memorandum dated 11 April 2023, the Navy Personnel Command (NPC) (PERS-312) provided an advisory opinion (AO) for the Board's consideration, reflecting that their review of Petitioner's naval record, the Navy Department of Awards Web Service, and supporting documentation revealed that Petitioner is entitled to the VSM based upon his attachment to the [REDACTED].² However, this review found no evidence to support Petitioner's entitlement to the RVN Campaign Medal (with 1960 device). Finally, the AO noted that exposure to Agent Orange would not be listed on the DD Form 214.³ See enclosure (3).

CONCLUSION:

Upon careful review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting partial relief.

The Board concurred with the AO and determined that Petitioner's record should reflect his authorization to wear the VSM.

Unfortunately, the Board found insufficient evidence to support Petitioner's contention that he was authorized to wear the RVN Campaign Medal.

Finally, the Board found insufficient evidence to support Petitioner's contention that he was exposed to Agent Orange. However, the inclusion of such information on Petitioner's DD Form 214 would be inappropriate regardless.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record:

That Petitioner be issued a DD Form 215 (*Correction to DD Form 214, Certificate of Release or Discharge From Active Duty*), reflecting his receipt of the VSM.

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

That no further corrective action be taken on 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 titled matter.

² PERS-312 stated that the omission of the VSM from Petitioner's naval record was considered an administrative oversight that could be corrected by their office.

³ This AO was provided to Petitioner for any response before the Board convened to consider his application, but Petitioner failed to respond within the time provided.

Subj: REVIEW OF [REDACTED] USN,
[REDACTED]

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 Regulation, 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.

6/9/2023

