



Docket No. 8942-22

Ref:	Signature	Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF

Ref: (a) 10 U.S.C. §1552

Encl: (1) DD Form 149 with attachments

(2) Case Summary

(3) Advisory Opinion of 3 Apr 23

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 his record be corrected to reflect the Presidential Unit Citation (PUC) Medal with three bronze star devices, the awards reflected in archives but not listed on his Armed Forces of the United States Report of Transfer or Discharge (DD Form 214), and a corrected spelling of his middle name to show "██████ vice "██████ Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error on 10 May 2023, and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, and policies. In addition, the Board considered enclosure (3), an advisory opinion (AO) from the Navy Department Board of Decorations and Medals. Although Petitioner was provided an opportunity to respond to the AO, he chose not to do so.

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

b. Petitioner enlisted in the Marine Corps and began a period of active duty on 1 September 1966. Subsequently, on 3 September 1969, Petitioner completed this enlistment with an Honorable characterization of service.

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[REDACTED]

c. As part of the Board's review, the Navy Department Board of Decorations and Medals provided the Board with enclosure (3), an advisory opinion (AO). The AO stated in pertinent part:

After reviewing the available evidence and pertinent regulations, we determined the Petitioner is entitled to the PUC with one bronze star device (i.e., two awards). We also determined the NAVPERS 1650/96 form previously issued to the Petitioner erroneously included the Republic of [REDACTED] Meritorious Unit Citation-Civil Action (RVN MUC-CA), to which the Petitioner is not entitled.

The AO concluded, "In summary, we concluded the 28 Jul 2016 NAVPERS 1650/96 NPC issued to the Petitioner erroneously indicated he was entitled to the RVN MUC-CA and omitted the PUC with one bronze star device."

The AO recommended Petitioner's record and DD Form 214 be corrected to reflect the following awards:

PH
CAR
PUC with 1 bronze star device
MCGCM
NDSM
VSM with two bronze campaign stars
RVN MUC GC
VCM

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial relief.

The Board carefully reviewed Petitioner's application, weighed all potentially mitigating factors, and concluded that Petitioner's shall be awarded the PUC with one bronze star device and all eligible medals as outlined in accordance with the advisory opinion. In making this determination, the Board concurred with the AO.

In regards to Petitioner's request concerning the misspelling of his last name, the Board concluded that Petitioner's middle name listed on the DD Form 214 is erroneous and shall be corrected to show "[REDACTED] vice "[REDACTED]

RECOMMENDATION:

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

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[REDACTED]

That Petitioner be issued a DD Form 215 documenting his receipt of the following awards:

PH
CAR
PUC with 1 bronze star device
MCGCM
NDSM
VSM with two bronze campaign stars
RVN MUC GC
VCM

That Petitioner's middle name be corrected to show [REDACTED] vice [REDACTED]

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.

5/23/2023

[REDACTED]
Executive Director
[REDACTED]