



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

█  
Docket No. 1622-23

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 of 25 July 2018 "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 with attachments  
(2) Case summary

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 his characterization of service be upgraded and he be awarded the Vietnam Campaign Medal (VCM).

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 29 March 2023, and, pursuant to its regulations, determined 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.

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.

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 U.S. Marine Corps and began a period of active duty on 27 March 1967. He was discharged for being underage at enlistment and given an Honorable characterization of service on 15 May 1967. He later reenlisted on 21 March 1968 and commenced a second period of active duty.

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

d. On 20 August 1968, Petitioner received his first non-judicial punishment (NJP) for failure to go to appointed place of duty.

e. Petitioner deployed to the Republic of Vietnam in 1968 and participated in numerous operation to include [REDACTED]. These operations occurred between December 1968 and March 1969.

f. Petitioner received his second NJP, on 23 January 1969, for 1 hour unauthorized absence and using disrespectful language toward superior staff noncommissioned officer. He received his third NJP, on 15 February 1969, for disobeying an order.

g. Petitioner was discharged, on 20 March 1970, at the end of his obligated service with a his characterization of service was "General," his separation reason as "Transferred to USMCR," and his reentry code of "RE-4."

h. Post-discharge, the Petitioner applied to the Naval Discharge Review Board (NDRB) for relief but was denied in 1977. This Board also denied Petitioner's request for an upgrade on 30 September 1998.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo.

First, while the Board does not condone Petitioner's misconduct, it concluded clemency is appropriate in his case. In making this finding, the Board concluded that his service in Vietnam and post service accomplishments as a Captain in the [REDACTED] were mitigating factors in their decision to grant clemency and upgrade his characterization of service. The Board also considered the relatively minor nature of Petitioner's misconduct and also took into consideration his last year of service included no further incidents of misconduct.

Second, the Board also determined it was in the interests of justice to properly document the awards earned by Petitioner while he was on active duty. Therefore, the Board concluded the Marine Corps should conduct a review of Petitioner's record and issue all awards earned while serving in Vietnam, to include the VCM, if he is entitled to it during his service. The Board noted Petitioner did not exhaust his administrative remedies by seeking an administrative review of his awards from the Marine Corps.

#### RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

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

Petitioner be issued a DD Form 214, for the period ending 20 March 1970, stating that his characterization of service was "Honorable."

Marine Corps conduct a review of Petitioner's record to determine whether he is entitled to the VCM based on his combat service in Vietnam.

No further changes be made to Petitioner's record.

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 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.

4/6/2023

