



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

██████████
Docket No. 719-24
Ref: Signature Date

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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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 17 June 2024. 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, applicable statutes, regulations, and policies.

You enlisted in the U.S. Marine Corps Reserve and entered active duty on 1 June 1956. After completion of your active duty obligation, you were released from active duty, on 1 June 1958, and transferred to the Marine Corps Reserve. On 1 July 1982, you were transferred to the retired reserve.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case. These included, but were not limited to, your desire to have your civilian service in Vietnam annotated on your DD Form 214. You contended that you were a special agent with ONI and that it was declared by DoD to be considered on active duty while you deployed to Vietnam.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your DD Form 214 remains correct. In making this finding, the Board determined that a DD Form 214 is designed to document periods of active duty military service. Further, military service as a civilian special agent does not

qualify for the issuance of a DD Form 214 since, presumably, a military reservist cannot be on active duty while acting in a civilian capacity. Therefore, absent evidence you were on active duty in May and July 1968, the Board found insufficient evidence of error or injustice that your record requires modification. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board thanks you for your Honorable and faithful service to this country.

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,

7/1/2024

