



**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. 1880-25  
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 18 July 2025. 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 this 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, and applicable statutes, regulations, and policies. Additionally, the Board also considered an advisory opinion (AO) furnished by the Secretary of the Navy Council of Review Boards, Navy Department Board of Decorations and Medals (CORB) and your AO rebuttal submission.

You enlisted in the U.S. Navy and entered active duty on 26 August 1971. On 15 October 1973 you had a hearing to consider your conscientious objector (CO) status. On 4 December 1973 the Chief of Naval Personnel directed your discharge on the basis of being a CO. On 6 December 1973, you were discharged from the Navy with a General (Under Honorable Conditions) discharge characterization.

On 16 September 2024, Navy Personnel Command (NPC) determined you were not entitled to the Vietnam Service Medal (VSM). Following a comprehensive review of your service record, NPC concluded that official records failed to support you earning a VSM while serving onboard three (3) different ships in 1973. The CORB reviewed your contentions and the available

records and issued an AO dated 23 May 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

After thorough review of the available evidence and pertinent regulations and past practices, we determined the Petitioner is not entitled to the VSM. We therefore recommend BCNR deny relief.

Navy Personnel Command (NPC) denied the relief requested by the Petitioner, citing the specific dates the ships to which he was assigned had qualified for the VSM, and that he was not assigned or attached to those vessels during the award periods.

The Petitioner claims he should have been awarded the VSM for his service onboard ██████████. The Petitioner submitted his DD-214, stamped orders, ██████████ deck logs from 1 Dec 1972 to 31 Jan 1973, and a personal statement.

The Petitioner's claim to the VSM is without merit...The Petitioner incorrectly stated that he reported to ██████████ on 3 Jan 1973.

The Petitioner's Official Military Personnel File (OMPF) and the travel orders he submitted substantiated that he arrived onboard ██████████ on 7 Mar 1973. Therefore, the deck logs submitted by the Petitioner are non-probative and fail to meet the evidentiary standard to award the VSM.

The Petitioner's OMPF states that he was assigned to the Transient Personnel Unit in ██████████ awaiting reassignment on 15 Dec 1972. He departed ██████████ on 3 Jan 1973 and reported to ██████████ on 7 Jan 1973. The Petitioner then attended AN/UPN-12 Electronics School from 8-19 Jan 1973. The Petitioner took leave from 20 Jan 1973 to 16 Feb 1973 before departing ██████████ and arriving in ██████████ on 18 Feb 1973.

The Petitioner was assigned to ██████████ from 20-23 Feb 1973 and then assigned to ██████████ from 23 Feb 1973 to 2 Mar 1973. The Petitioner was assigned to Commander, Fleet Activities ██████████ from 2-7 Mar 1973 before reporting onboard his permanent duty station ██████████ on 7 Mar 1973.

Per ref (c), ██████████ was awarded the VSM from 25 Feb 1973 to 14 Mar 1973. The Petitioner had detached on 23 Feb 1973, or two days before the award period began. Therefore, he does not merit the VSM for his service aboard ██████████.

██████████ was awarded the VSM from 18-19 Feb 1973. The Petitioner reported aboard on 23 Feb, four days after the end of the award period. Therefore, he does not merit the VSM for service aboard ██████████. ██████████ was awarded the VSM from 22-25 Feb 1973. The

Petitioner did not report aboard until 7 Mar 1973, or ten days after the end of the award period. Therefore, he does not merit the VSM for service aboard ██████████.

None of the Petitioner's shipboard assignment dates overlap the VSM qualification dates for either ██████████ or ██████████. Therefore, he does not merit the VSM.

...the Petitioner stated in a Conscientious Objector Hearing on 15 Oct 1973 that: "I spent one month in the Far-East on the ██████████ I never went to the firing line, the war had ended, at least U.S. involvement had ended, and I was sent over there and I just rode it back. I never took part in combat at all."

-The Petitioner acknowledges that he did not engage in combat nor was he present at the firing line in support of military operations. His statement is consistent with evidence in his service record indicating he was not aboard a Naval vessel directly involved in supporting military operations in Vietnam and therefore does not qualify for the VSM.

Under the presumption of regularity in government affairs, we must presume the Petitioner's official service record to be accurate and complete, and his record appears to have been properly maintained in every respect. We must also presume that if he had qualified for the VSM, his commander would have taken the appropriate steps to ensure he received it and be appropriately documented in his service record. The Petitioner provided no evidence to overcome the presumption, or to substantiate his claim.

The previous denial by NPC was neither arbitrary nor capricious, but rather a correct application of the applicable criteria.

In summary, the Petitioner failed to substantiate his claim that he was onboard the ██████████ when the ship was authorized the VSM. The Petitioner's statement in his Conscientious Objector Hearing on 15 Oct 1973 supports the fact that he did not participate in combat and was not aboard a Naval vessel directly supporting military operations. The presumption of regularity in government affairs requires us to presume the Petitioner's official service record to be accurate and complete. The Petitioner failed to overcome the presumption.

The CORB AO concluded, "We concluded the Petitioner is not entitled to the VSM and found no evidence of material error or injustice. Therefore, we recommend BCNR deny relief. Were BCNR to grant relief in this case by authorizing the VSM, such action would be inconsistent with the criteria and standards applied to all other Service Members."

In response to the AO, you presented further arguments that the logbooks for ██████████ substantiate your claim that you qualify for the VSM.

The Board, in its review of the entire record and petition, considered your contentions and your

materials submitted. However, the Board determined, even after reviewing the evidence in the light most favorable to you, that you do not meet the qualifying criteria to receive the VSM. The Board determined there was no persuasive evidence in the record you were onboard any U.S. naval vessel when such ships were authorized the VSM. The Board concluded the deck logs you submitted do not otherwise contradict your stamped and endorsed orders that indicate precisely when you first reported onboard the [REDACTED]. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board sincerely appreciates your selfless 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,

7/21/2025

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