



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED]
Docket No. 5121-25
Ref: Signature Date

Dear [REDACTED]

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 November 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 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. In addition, the Board considered an advisory opinion (AO) from the Navy Department Board of Decorations and Medals and your response to the AO.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

After completing your education as a midshipman at the U.S. Naval Academy, you accepted a commission into the U.S. Marine Corps and began a period of active duty as a Second Lieutenant on 6 June 1973. On 14 August 1978, you were released from active duty and transferred to the U.S. Marine Corps 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 for the [REDACTED] Service Medal to be awarded to you and your contention that you served onboard [REDACTED], while you were a midshipman, during its deployment to [REDACTED] in 1970.

As part of the Board review process, the Board requested the AO to review your record for awards you were entitled to. The AO stated in pertinent part:

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

The Petitioner claims he is entitled to the [REDACTED] for his service aboard [REDACTED] [REDACTED] ([REDACTED] in [REDACTED] [REDACTED] on 9-10 Jul 1970, while participating in a midshipman training cruise. In support of his claim, the Petitioner submitted a statement from a buddy, deck logs from the [REDACTED] and [REDACTED] [REDACTED], his DD-214, and pages from an unofficial website listing [REDACTED] deployments.

The Petitioner's claim for the [REDACTED] is without merit.

There is no question that [REDACTED] qualified for the [REDACTED] on 9-10 Jul 1970. That fact is substantiated by ref (c) and the Navy Department Awards Web Service database. However, official military records do not substantiate that the Petitioner ever served aboard [REDACTED] or was assigned to the ship in [REDACTED] on 9-10 Jul 1970. There are no documents in the Petitioner's OMPF, including his "enlisted service record" while at the U.S. Naval Academy, that indicate he participated in a midshipman cruise on [REDACTED] in 1970, or that he was ever present in the [REDACTED] combat zone, i.e., the area of eligibility for the [REDACTED].

Under the presumption of regularity in government affairs, we must presume the Petitioner's official service record to be accurate and complete. His record appears to have been properly maintained in every respect. We must also presume that if he had qualified for the [REDACTED], his superiors at the Naval Academy and in the Marine Corps would have taken the appropriate steps to ensure it was documented in his service record. The Petitioner failed to provide evidence sufficient to overcome the presumption of regularity. The foregoing is an objective assessment of the evidence available vis a vis the regulations governing the [REDACTED] and service to the Nation.

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

In response to the AO, you provided additional evidence for the Board to review to include your USNA transcript, 1970 summer At-Sea training, instructions, photos, list of ship deployment to Vietnam, USNA letter verifying graduation, notarized advocacy letter, pictures and list of midshipmen assigned to the [REDACTED] ([REDACTED]).

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board concurred with the AO that, based official military records, there is insufficient evidence to substantiate that you ever served onboard USS

[REDACTED] or served on a vessel deployed to [REDACTED] in July 1970. While the Board reviewed your rebuttal documents to the AO, they found no official documents that you were assigned to [REDACTED]. Therefore, the Board agreed with the AO's reasoning that the presumption of regularity applies in your case.

As a result, the Board determined that there is no evidence of material error or injustice with your record. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board thanks you for your faithful and selfless 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,

12/2/2025

[REDACTED]