



Docket No. 9340-25
Ref: Signature Date

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 22 May 2026. 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, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

- You enlisted in the Marine Corps and began active duty in June 1967.
- Between 13 September 1969 and 1 September 1970, you deployed to the [REDACTED] in support of combat operations. For actions in [REDACTED] you were awarded the Air Medal (First Strike/Flight Award) and the Purple Heart Medal. In addition, you earned the Republic of Vietnam Campaign Medal, Vietnam Service Medal with four bronze stars, Meritorious Unit Citation, Combat Action Ribbon, and two Republic of Vietnam Meritorious Unit Citations.

- On 29 March 1971, you transferred to the inactive reserve. After a period of broken service, you reenlisted on 31 August 1972, and remained on active duty until you ultimately retired.

In your application to this Board, you express a desire to be awarded the Distinguished Flying Cross (DFC) for actions on 17 November 1969 and contend that:

- At the time of the mission, ■ was involved in a massive relocation from ■, leading to significant administrative and logistical challenges.
- Inadvertently, your actions were overlooked, and the appropriate award process was never initiated. The Purple Heart was even delayed and required a later request to be awarded.
- At different stages of your career you attempted to contact your aircrew, but couldn't locate them, and didn't pursue it further because it was not a priority-even after you medically retired.
- Now, at age 76, you have come to realize that the failure to recognize that characterization of your actions on that mission diminishes the legacy you leave to your children and grandchildren.
- It defines who you were and are today, and is important to you now.

After a detailed review of your record, the Board determined that your record does not meet the administrative requirements to substantiate your request for the DFC. In making this finding, the Board noted that the unit award eligibility criteria established in the Navy and Marine Corps Awards Manual (SECNAV M-1650.1) states that, pursuant to both 10 U.S.C. §8298 and SECNAVINST 1650.1J, nominations for Department of the Navy military decorations (personal or unit) must be originated and entered into official channels within three (3) years of the distinguishing act or end of the meritorious service period to be recognized.¹ Since your request did not originate within that time limit, it does not meet the administrative requirements for approval.²

Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board appreciates your faithful and Honorable service to this country and expressed that nothing in the foregoing is intended to diminish the value of your military service.

¹ In 1996, Congress amended Title 10 to add Section 1130, which requires the Secretary concerned (SECNAV in this case) to consider any award nominations referred to him/her by a Member of Congress, regardless of time limits in statute or regulation. Section 1130 only waives the time limits.

² In 1996, Congress passed Title 10, United States Code, Section § 1130 which allows members of Congress to submit nominations outside the establish time limits and requires consideration by SECNAV. However, award nominations must still be administratively complete and compliant with award regulations to be considered.

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,

6/11/2026

