



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 3091-08
27 May 2009

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 May 2009. 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, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 15 April 1968. Based on your service in Vietnam you were awarded the Navy Commendation Medal with Combat "V", the Purple Heart, Combat Action Ribbon and other service awards. You were released from active duty on 3 October 1969 under the provisions of an early release program with an honorable characterization of service. At that time, you had completed 1 year, 5 months and 15 days of active service. Subsequently, you were issued an honorable discharge at the end of your military obligation. It is clear that you should be proud of your outstanding service while serving in Vietnam.

About 38 years after your release from active duty, you applied to this Board contending that since you received an early release from active duty and did not serve for 18 months, you were denied extended educational benefits which were authorized in the 1970's. Although the details of those programs are no longer available, it appears that if there was an 18 month service requirement it was set forth in the law and you have been treated no differently than all others in your situation. Please be advised that the Vietnam Era GI Bill ended on 31 December 1989 and no benefits are payable under that program for any education pursued on or after 1 January 1990.

Since it appears that you have been treated no differently from others in your situation and the educational program has been terminated, the Board concluded that correction action in your case is not warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,


W. DEAN PFEIFFER
Executive Director