



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

█
Docket No. 1086-22
Ref: Signature Date

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Dear █:

This is in reference to your application for correction of your husband (deceased), naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your husband's 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 5 April 2022. The names and votes of the members of the panel 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 husband's naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion by the Board's Licensed Clinical Psychologist of 25 February 2022, which was previously provided to you for comment. In addition, you provided additional documentation after your case was presented to the Board for decision. This information was provided to the Board for a final decision.

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.

Your husband entered active duty in the Navy on 28 January 1965 and was advanced to BM3/E-4 on 16 January 1967. On 16 June 1967 he was subject to Special Court-Martial for violation of Articles 92, 111, and 121 and was reduced from BM3/E-4 to BMSN/E-3 effective 7 August 1967. On 6 December 1967 he was honorably discharged in order to reenlist after serving in Vietnam as a BMSN/E-3. He was recommended for advancement and nominated for examination on 1 February 1968. Eligible in all respects for participation in the Navy-wide

competitive examination for BM3. On 16 June 1968, an entry in his administrative remarks (NAVPERS 601-13) stated that your husband may be advanced to BM3/E-4 effective 16 September 1968 provided eligibility is maintained. However, on 4 November 1968 his recommendation for advancement in rating was withdrawn for failure to maintain eligibility due to unauthorized absence. On 1 April 1969 he was subject to Non-Judicial Punishment for violation of Article 86 (Unauthorized absence) for the periods of 9 September 1968 to 24 September 1968, 30 September 1968 to 17 December 1968, and 13 January 1969 to 31 January 1969—he was reduced from BMSN/E-3 to BMSA/E-2. On 7 April 1969 he was honorably discharged as a BMSA/E-2.

You requested to have your husband's rank reinstated. The Board, in its review of your husband's entire record and your application, carefully weighed all potentially mitigating factors, to include your assertion that post-traumatic stress disorder was a condition long before it was recognized and it contributed to your husband's alcohol use and misconduct. However, based on all factors in your case, the Board substantially concurred with the comments contained in the advisory opinion. Therefore, the Board found no error or injustice in your husband's record to overturn his reductions in rank.

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,

5/2/2022

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Deputy Director
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