



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

TRG
Docket No: 2125-01
6 June 2001

[Redacted]

Dear [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 22 May 2001. 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.

The Board found that you enlisted in the Navy on 21 November 1968 at age 20. The record shows that you served in Vietnam from 24 July 1969 to 7 April 1970 and from 14 October 1970 to 20 April 1971. During your first tour, you received nonjudicial punishment (NJP) for disrespect and sleeping on post. On 20 February 1970 you received a performance evaluation with adverse marks of 2.6 in military behavior, leadership and supervisory ability, and military appearance. During your second tour you received NJP for disobedience. On 21 January 1971 you received a performance evaluation with adverse marks of 1.0 in professional performance, leadership and supervisory ability; an adverse mark of 2.0 in military behavior; and adverse marks in several other evaluation categories. The record shows that on 16 February 1971 a recommendation for advancement in rate was withdrawn. You were released from active duty on 30 April 1971 with your service characterized as being under honorable conditions. You were subsequently issued a general discharge at the end of your military obligation.

Character of service is based, in part, on conduct and overall

trait averages which are computed from marks assigned during periodic evaluations. Your conduct and overall trait averages were 2.6 and 2.75, respectively. A minimum average mark of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and your contention, in effect, that your problems occurred because you suffered from post traumatic stress disorder (PTSD). The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your disciplinary record and failure to achieve the required average mark in conduct. There is no evidence in the record, and you have submitted none, to show that you suffered from PTSD while in Vietnam or that you were not otherwise responsible for your actions while in the Navy. The Board concluded that the release from active duty under honorable conditions on release and the general discharge were proper and no change is warranted.

Concerning your request for advancement to EO2, the Board noted that you were recommended for advancement on 20 January 1971 but the recommendation was withdrawn on 16 February 1971. Regulations require that in addition to being recommended, an individual complete all of the other requirements for advancement and still be recommended on the authorized advancement date. There is no evidence in the record that you completed any of the other requirements for advancement and you were not recommended for advancement after 16 February 1971. The Board concluded that you did not qualify for advancement and there is no basis to correct the record to show advancement to EO2.

Finally, there is no evidence in the record, and you have submitted none, to show that you qualified for the expert marksmanship ribbon. However, if you have such evidence, that ribbon can be issued administratively by the custodian of your record and action by this Board on this issue is not required.

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