



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

[REDACTED]  
Docket No. 6131-17

FEB 05 2018

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

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 for Correction of Naval Records, sitting in executive session, considered your application on 11 January 2018. 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 naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion contained in President, PEB ltr CPEB:lje of 13 Sep 1977; a copy of which was in your service record.

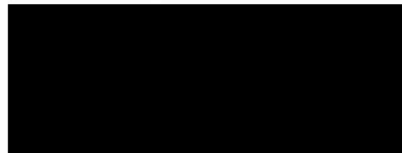
A review of your record shows that you entered active duty with the Marine Corps in December 1965. You served in the Republic of Vietnam in 1967 where you received shrapnel wounds in January and March of that year. After reenlisting in December 1968, you returned to Vietnam where you were again injured by rock fragmentations in September 1969. You redeployed to CONUS and served until the expiration of your enlistment when you reenlisted again in February 1972. You were discharged at the expiration of your final enlistment on 2 May 1974.

The Board carefully considered your arguments that you deserve a disability discharge based on your wounds suffered in 1967 and 1969. You assert that the Marine Corps released you without properly treating your wounds. Unfortunately, the Board disagreed with your rationale for relief. In making their findings, they substantially concurred with the advisory opinion from 1977. Specifically, the Board was unable to find sufficient evidence that you were unfit for continued naval service due to a disability at the time of your release from active duty. The Board relied on evidence that you successfully completed almost three years of active duty service after your last

injury in September 1969. The Board was unable to find evidence of an occupational impairment during your last years of service that would support a finding that you were unable to perform the duties of your office, grade, rank or rating. It was particularly convincing to the Board that the Marine Corps found you physically fit to reenlist each time after you suffered an injury in Vietnam. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director