



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

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Docket No. 0787-24

Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 19 August 2024. 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.

You enlisted in the Navy and began a period of active duty on 28 January 1971. On 8 May 1971, you reported aboard the █. On 18 May 1972, you were not recommended for reenlistment due to your immaturity and continued disciplinary problems that included five non-judicial punishments and a special court martial. On 23 May 1972, you were discharged with a General (Under Honorable Conditions) characterization of service.

Post-discharge, the Discharge Review Board concluded your discharge was proper and equitable.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included but were not limited to your desire to change your active duty service dates and document that you served with the Marine Corps in Vietnam. You contend that: (a) you joined the Navy in 1968 and went on active duty on 5 January 1969, (b) you were assigned the Marine Corps in 1970 and went back to the Navy supposedly on 25 January 1971, (c) you have evidence

from the Department of Veterans Affairs stating that you were assigned to the Marines and that you were with them in combat.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined you DD Form 214 is accurate. After reviewing your record and the evidence you supplied in support of your application, the Board found insufficient evidence that you with in the Marine Corps in Vietnam or that you documented active duty dates are erroneous. According, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the 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,

9/11/2024

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Executive Director

Signed by: █