



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. 1458-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 8 July 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, and applicable statutes, regulations, and policies. In addition, the Board considered advisory opinions (AOs) provided by Navy Personnel Command (PERS-8031) and (PERS-312), dated 13 March 2024 and 26 March 2024, respectively. Although you were provided an opportunity to respond to the AOs, you chose not to do so.

You enlisted in the Navy and began a period of active duty on 12 October 1965. On 25 February 1969, you received nonjudicial punishment (NJP) for an instance of disobeying a superior officer, and violation to UCMJ Article 134. On 26 February 1969, your recommendation for advancement to the rank of DT2 was withdrawn based on your NJP. On 10 October 1969, you were honorably discharged from the Navy by reason of released from active duty and transferred to the Naval Reserves.

The Board carefully weighed all factors in your case, including your desire to be awarded a promotion to the rank of PO2, the Navy Good Conduct Medal, and the Vietnam Service Medal. The Board considered your assertions that you were denied a promotion to the rank of PO2, are entitled to the Navy Good Conduct Medal and Vietnam Service Medal.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board found insufficient evidence that you were entitled to advancement to E-5, the Navy Good Conduct Medal, or the Vietnam Service Medal. In making its findings, the Board concurred with the AOs. The Board agreed that you were not entitled to be advanced to E-5 since your advancement recommendation was withdrawn after your NJP. Additionally, based on the NJP, you lost eligibility for the Good Conduct Medal. Finally, the Board found no evidence in your record that you qualified for the Vietnam Service Medal and you provided no evidence in support of your claim. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board thanks you for your Honorable and faithful service to this country.

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,

7/24/2024

