



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

██████████  
Docket No. 1894-25  
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 30 June 2025. 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.

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.

After a period of enlisted active duty service, you were commissioned as an Ensign in the U.S. Naval Reserve and commenced a period of active service on 29 April 1953. This period of active duty ended on 11 April 1956. You commenced another period of active service on 15 November 1957.

On 10 March 1958, your official military personal file (OMPF) indicates you were notified of non-selection for appointment in the regular Navy. That notification states, "I regret to inform you that your name was not included among those selected for appointment. However, you are assured that this decision is no reflection upon your performance of duty in the Navy."

On 1 August 1958, Navy message traffic reported an aircraft incident that occurred the previous day at ██████████. The message indicates "flame out after take off." You were identified as a pilot in that crash. The crash was investigated and it was determined you acted within the line of duty and had committed no misconduct.

On 8 October 1959, following your hospitalization for resulting injuries, the Chief of Naval Personnel issued a memorandum indicating you were considered physically qualified and aeronautically adapted for duty involving the actual control of aircraft.

On 21 February 1961, you were notified via letter of contingent transfer to the Standby Reserve-Active. The letter strongly urged you to fill out and return enclosures necessary to reaffiliate with the Ready Reserve as soon as practicable. You were informed that if you did not do so, your transfer to the Standby Reserve-Active would become effective on 1 April 1961 without further notification.

On 1 December 1962, you were notified via letter that a mobilization requirement existed for officers in your category and you were accordingly transferred to Standby Reserve-Inactive effective 30 December 1962.

On 29 July 1966, you were notified via letter that you had been identified as a member of the Standby Ready Reserve for at least three years and were recommended for the opportunity to resume participation in the Naval Reserve Training Program. The letter further stated that failure of participation would result in submission of your record to the Naval Reserve Officer Mobilization Disposition Board; which, if resulting in an unfavorable recommendation, would undoubtedly result in your required retirement, if eligible, or discharge.

On 15 June 1967, you were notified via letter that you had been recommended for transfer to the retired reserve, if eligible, or discharged. Shortly thereafter, on 22 June 1967, you tendered your resignation from the reserves. Your resignation was accepted, on 2 October 1967, and you were honorably discharged.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case. These included, but were not limited to, your request for answers and/ or information regarding: (1) your non-selection to the regular Navy, (2) the lack of documentation in your record of a car incident caused by your flight instructor, (3) why your medical record was marked "terminated" after your discharge, and (4) your contentions that you were not selected for transfer to the regular Navy possibly because your record was tarnished by the improper actions of your flight instructor when you were a cadet, or by the surgeon who faced reprimand for having left you dirty and unattended in a hospital room, following the plane crash. You ultimately believe either of these two incidents may have formed the basis for your failure of selection for the regular Navy and you question why you were never paid for a disability. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the materials you provided in support of your application.

After thorough review of your record and request, the Board found no evidence of error or injustice with your record. Concerning your failure of selection into the regular Navy, the Board carefully reviewed your naval record and agrees with you that you were a highly accomplished naval aviator. The Board also found no evidence of misconduct, or any other tarnishing marks on your record. Therefore, the Board concluded the reason you were not selected for the regular Navy was not because you were not a well-qualified aviator and officer but as a result of the needs of the Navy at that time. The Board opined, it was likely the Navy simply had an abundance of accomplished aviators at the time of your non-selection, without enough need to select all who may have qualified. That outcome, however, does not diminish your outstanding contributions to the Navy and your country over the course of your military service. Regarding your concern that the actions of your flight instructor or surgeon may have impacted your career, the Board carefully examined your OMPF, and the materials you provided, and found no evidence that either incident had bearing on your failure to select. Specifically, regarding your concern as to why the car incident involving your flight instructor does not appear in your OMPF, the Board opined it was not unusual that this event was not documented in your record since you committed no misconduct and were not injured. Regarding your concern your surgeon may have acted against you, whether by harming you intentionally during surgery or negatively influencing your chances for selection into the regular Navy, the Board found no evidence of either possibility. Further, regarding your question as to why your medical record was stamped, "terminated," it was common practice at the time of your service for medical records to be stamped, "terminated," meaning no more entries would be made, after a service member's discharge or resignation from the service.

Finally, regarding your query about disability payments, the Board was unable to find any evidence you were not physically qualified to perform the duties of your office, grade, or rank due to a qualifying disability condition. Additionally, the Board found no evidence you were referred to a medical board due to your inability perform your duties. Therefore, despite the fact evidence exists you were injured during your period of active duty service, the Board determined no basis for payment of disability benefits existed at the time of your release from active duty or the Reserves.

The Board, however, does wish to thank you for your sacrifice and exemplary service to your country. In reviewing your application, the Board noted your regret over being unable to serve with your friends in Vietnam. The Board assures you; you did everything your country asked of you during your military service. The Board also reiterates that your failure to be selected for the regular Navy does not diminish your contribution. The Board sincerely thanks you for your service.

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,

7/8/2025

