



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

JRE
Docket No. 07067-07
1 July 2008

[REDACTED]

[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 19 June 2008. 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.

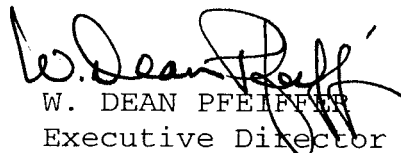
The Board found that you enlisted in the Navy on 26 December 1967. You underwent a pre-separation physical examination on 21 November 1973 and were found qualified for duty and release from active duty. The only significant defect noted by the physician who conducted the examination was pes cavus, i.e., high arched feet. The physician did not record a back injury or shrapnel wounds. You were released from active duty and discharged on 10 December 1973, when you were honorably discharged and assigned a reenlistment code of RE-R1, which indicates that you were

qualified and recommended for further service. Your DD Form 214 indicates that you were entitled to the National Defense Service Medal, Vietnam Service Medal and Vietnam Campaign Medal with an unspecified device. On 16 August 2004, you were issued a DD Form 215, which amended the DD Form 214 by adding the Good Conduct Medal, Presidential Unit Citation, Navy Unit Commendation, Combat Action Ribbon, Republic of Vietnam Campaign Medal with 1960 device, and Republic of Vietnam Meritorious Unit Citation. The Purple Heart was not added because there was no evidence that you were wounded under circumstances that would have authorized the award of the Purple Heart. On 14 May 2007, for reasons which are not clear to the Board, the Department of Veterans Affairs (VA) accepted your contention that you had sustained shrapnel wounds in combat, but denied your request for service connection for the wounds because there was no evidence of permanent residuals or chronic disability associated with the wounds. The VA also denied your request for service connection for eleven other conditions.

The Board was unable to accept your uncorroborated contentions to the effect that you were wounded on 26 September 1969 and that you sustained a back injury on 10 June 1970. 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