



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

WJH
Docket No. 03662-11
20 June 2011

[REDACTED]

[REDACTED]

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

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 June 2011. 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.

The Board noted that you have applied for a correction to your record for an error that allegedly occurred more than forty years ago. Under the rules governing this Board, an application for a correction of a naval record must be made within three years after the discovery of the alleged error. Failure to file within the prescribed three years may be excused only in cases where the Board finds that it is in the interests of justice to do so.

After careful and conscientious consideration of the entire record, the Board determined that there is insufficient evidence of an error or injustice that would warrant any relief. The Board found that it is not in the interests of justice to excuse the three year time limit in your particular case. You neglected to assert your claim for an inordinately long period of time without justification. You have provided no evidence as to why you did not seek to have the alleged error corrected earlier.

Additionally, review of your naval record reveals that at the time of your discharge, you signed your DD 214 of 22 May 1969 indicating your grade was E-1. Your records show that on or about 25 March 1969, you were punished of two counts of violating UCMJ Article 86 at a Special Court Martial. Your sentence included a reduction in grade from an E-3 to and E-1. There is no evidence to suggest that you should have been reinstated to E-3 prior to your discharge.

Based on the circumstances described above, your application for reinstatement to E-3 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.

In reply to your request for a copy of your discharge, enclosed is a copy made from your naval record.


Regarding your request for replacements of medals earned, please be advised of the following:

The United States Navy provides an administrative means of reviewing requests for replacement medals. You must submit a request in writing directly to the Navy Personnel Command for review at the following address: Navy Personnel Command, Liaison Office Room 5409, 9700 Page Avenue, St. Louis, MO 63132-5100. The following information must be provided to the Navy Personnel Command: Standard Form 180 or cover letter with the following information: full name, social security number, service number (if applicable), period of eligibility, unit assigned at the time, return mailing address, and a copy of your DD Form 214. If you have access to a scanner, you may also scan in the above documents and send via email to: NavyAwards@navy.mil.

Please ensure "Veterans" is in the subject line of your request.

Please note, it is your responsibility to submit the evidence that supports your request for a replacement medal. Therefore, you should include all the evidence you have that supports your claim that you are entitled to the replacement awards that you are claiming. More information can be found at the NATIONAL PERSONNEL RECORDS CENTER at: <http://www.archives.gov/st-louis/military-personnel/public/awards-and-decorations.html>. Note: The Records Center has many cases to consider. Because of the large number of requests, processing of medal requests can take many months.

Sincerely,


W. DEAN PFEIFFER
Executive Director

- Enclosure 1: DD Form 214
- Enclosure 2: Court Memorandum
- Enclosure 3: Standard Form 180