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

ELP
Docket No. 7918-98
22 February 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [redacted],

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that his naval record be corrected to show a more favorable type of discharge and reenlistment code; and the award of the Purple Heart, Bronze Star, two Air Medals, and the Good Conduct Medal.

2. The Board, consisting of Messrs. Pfeiffer, Morgan, and Chapman reviewed Petitioner's allegations of error and injustice on 16 February 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 11 June 1965 for a minority enlistment at age 17. Upon completion of recruit training, he graduated from Hospital Corps School and the Field Medical Service School. He was advanced to HN (E-3) in February 1966 and reported for duty in Vietnam on 1 July 1966 where he was assigned to the Force Logistic Support Group BRAVO, a unit of the Third Marine Amphibious Force. He was advanced to HM3 in January 1967 and was transferred from Vietnam on 6 July 1967. While serving in Vietnam, he was evaluated on one occasion and received no marks below 3.4. He was authorized to wear the Vietnam Service Medal with Fleet Marine Force Combat Insignia.

d. Petitioner reported to his new command in the United States on 11 August 1967. From that date until he was released from active duty, he received four performance evaluations, the last three of which were adverse. In the first adverse evaluation, for the period ending on 20 March 1968, Petitioner was assigned adverse marks of 2.0 in professional performance, military appearance, leadership, and adaptability, and an adverse mark of 2.6 was assigned in military behavior. A page 13 entry placed in the record to substantiate the adverse marks stated that Petitioner required constant supervision, but had the knowledge to perform well. He usually obeyed commands and regulations if he could not find some way to subvert them, failed to demonstrate any leadership qualities and antagonized most of those with whom he was associated. His appearance was below standards for a petty officer, failed to adapt to the military and would only conform to standards under duress. For the reporting periods ending in April and September 1968, comments continued to be adverse and he was assigned marks of 2.6 and below.

e. Petitioner was not recommended for reenlistment due to his low military behavior and overall trait averages. He was released from active duty under honorable conditions on 23 September 1968, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code. He received a general discharge upon completion of his military obligation on 10 June 1971.

f. The Navy Awards Manual then in effect, provided that in order to be eligible for the Good Conduct Medal, an individual must have four years of continuous active service with no disciplinary actions, such as nonjudicial punishments or courts-martial, and no marks in any trait below 3.0. In order to be

eligible for the Purple Heart Medal, an individual must be wounded or received injuries as a result of action against an enemy of the United States. The wound or injuries must also have required treatment by a medical officer.

g. Character of service is based, in part, on military behavior and overall trait averages which are computed from marks assigned during periodic evaluations. Petitioner's military behavior and overall trait averages were 2.91 and 2.64, respectively. The minimum average marks required at the time of Petitioner's separation for a fully honorable characterization of service were 3.0 in conduct and 2.7 in overall traits. Regulations require the assignment of an RE-4 reenlistment code to individuals who are not recommended for reenlistment.

h. Petitioner states that he received many combat related injuries while flying numerous evacuation missions while in Vietnam. He claims his first injury was a rocket fragmentation wound to his left hand during an operation in September 1966 and that he received a gunshot wound in November 1966 during an evacuation. He stated he was also injured in other operations. He states that his injuries were not documented in his medical record by a battalion aid station or field hospital because he treated himself in all cases. However, he requests that the established criteria for at least one Purple Heart Medal be waived. Petitioner contends that he was recommended by an unknown Marine captain for two Air Medals and the Bronze Star for his participation in operations and numerous medical evacuations over a ten month period. Petitioner contends that these recommendations were forwarded to a lieutenant who was in charge of medical supply at Chu Lai. He claims that the lieutenant then called him into his office and told him that he was not authorized to fly medical evacuations or pick up wounded Marines, and tore up the award recommendations. Petitioner states he acknowledged the order but continued to evacuate casualties on a volunteer basis. Petitioner opined that lieutenant did not forward the recommendation to the commanding officer. Petitioner provides the current address and telephone number of the lieutenant.

i. The Board has been unsuccessful in obtaining Petitioner's medical records or Department of Veterans Affairs (DVA) records. However, Petitioner provides copies of DVA records which show that in 1993 he was diagnosed with chronic post-traumatic stress disorder due to his Vietnam service and

was granted a 100 percent service-connected disability rating, effective 31 August 1992. Petitioner asserts that the contributing factors for his poor post-Vietnam service were a personality conflict with his superiors, and PTSD. According to him, these problems led to the adverse marks, a less than fully honorable discharge, and assignment of an RE-4 reenlistment code. Petitioner requests the award of the Good Conduct Medal, two Air Medals, the Bronze Star, the Purple Heart; and that he be furnished all other medals and ribbons to which he is entitled.

i. A staff member of the Board contacted the former lieutenant cited by Petitioner, a doctor now in private practice, in an effort to confirm the veracity of Petitioner's contentions that he had been recommended for two Air Medals and the Bronze Star. However, the doctor stated that after more than 34 years, he did not remember Petitioner and opined that if a corpsman had been recommended for any medals, he would have forwarded the recommendation up the chain of command.

j. The Board does not distribute medals and ribbons. Requests for re-issuance of medals and ribbons should be addressed to the records custodian, the National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action. In this regard, the Board notes Petitioner's satisfactory service prior to and during Vietnam. Additionally, despite his poor post-Vietnam service, he completed his enlistment free of any disciplinary actions. The Board particularly notes he has been granted 100 percent service-connected disability for PTSD, effective August 1992. The Board is aware that individuals returning from a combat to a non-combat environment often experience adjustment problems. Whether Petitioner was suffering from PTSD at time of his return from Vietnam cannot be conclusively determined by the Board at this late date, the Board believes that PTSD may well have been a contributing factor to his subsequent poor performance. The Board believes that his Vietnam combat service and diagnosed PTSD mitigates his subsequent poor performance and conduct. Accordingly, the Board believes that given the foregoing it

would be appropriate and just to recharacterize his service to a fully honorable discharge as an exception to policy. However, the Board finds no basis for changing the assigned reenlistment code given his poor performance, as shown by the adverse marks. The Board believes any personality conflict that existed rested with him and not his superiors.

Petitioner is ineligible for the Good Conduct Medal not only due to his marks below 3.0 but also because he did not have four years of continuous active service. The Board finds no basis for waiving the established criteria for the award of the Good Conduct Medal.

Absent documentation from the medical record to show that he was treated for combat injuries, there is no basis to award the Purple Heart Medal. Petitioner may wish to consider obtaining affidavits from individuals who served with him and may have witnessed his being wounded in action. Such affidavits would include the individual's service number/social security number, Vietnam unit assigned; and would provide a convincing explanation as to how and why, nearly 34 years later, they remember his being wounded.

While Petitioner claims that he was recommended for two Air Medals and the Bronze Star, he provides no corroborating evidence to support his assertions. This Board is not an investigative agency nor does it have resources to do extensive research based on minimal information. It is incumbent upon Petitioner to provide sufficient documentation to show that the record is in error or that he was treated unjustly by the Navy. He has failed to submit any evidence that would satisfy this requirement.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was honorably released from active duty on 23 September 1968 vice under honorable conditions as now shown on his on DD Form 214. This corrective action should include the issuance of a new DD Form 214.

b. That the record be further corrected to show that he was issued an honorable discharge certificate on 10 June 1971.

c. That no further relief be granted.

d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

f. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 17 November 1998.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder

ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

W. DEAN PFEIFFER
Executive Director