



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

CRS
Docket No: 2449-97
31 August 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 21 July 1999. 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 6 August 1964 after more than seven years of prior service in the Air Force Reserve. Your record reflects that from 29 August to 13 November 1964 you served aboard the USS RADFORD (DD-446). On 24 May 1968 you were honorably discharged.

You reenlisted in the Navy on 2 July 1968 after being informed that you would receive a variable reenlistment bonus (VRB). However, it was later determined that you were ineligible for such a bonus due to your prior service. You then chose to have your enlistment contract terminated. On 15 November 1968 you received an honorable discharge by reason of erroneous enlistment.

In its review of your application the Board carefully considered your contention that you were improperly discharged by reason of erroneous enlistment. However, the Board concluded that your contention was not sufficient to warrant a change in the reason

for separation. In this regard, it was improper for the Navy to induce you to reenlistment by promising you a VRB when, in fact, you were not eligible for such a bonus. The Navy then properly afforded you an opportunity to be discharged by reason of erroneous enlistment, which you accepted.

Concerning your request for certain medals based on your tour of duty aboard RADFORD, an advisory opinion dated 21 April 1999, from the Office of Chief of Naval Operations, stated that RADFORD did not operate in the Vietnam area during the period of time that you were on board. Based on the foregoing opinion, a copy of which is enclosed, the Board concluded that you were not eligible for the Vietnam Service Medal, Republic of Vietnam Campaign Medal, or the Armed Forces Expeditionary Medal.

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

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO
N09B33/SJK-0032
21 April 1999

From: Chief of Naval Operations
To: Chairman, Board for Correction of Naval Records
Subj: ~~REDACTED~~
DOCKET NO 2449-97

Encl: (1) Your ltr TJR DOCKET NO 2449-97 dtd 3 Oct 1997
(2) CNO ltr Ser 09B33/7U520498 of 16 Oct 97 showing
tracer action on 1/27/98 and 12/29/98
(3) History of USS RADFORD (2 pages)

1. Enclosure (1) is returned with the following comments:

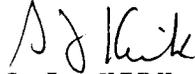
Subject man contends that USS RADFORD deployed to Vietnam when he served on board and as a result he should be eligible for the Vietnam Service Medal, Republic of Vietnam Campaign Medal and the Armed Forces Expeditionary Medal.

Subject man's record shows that he served on the USS RADFORD (DD 446) from 29 August 1964 to 13 November 1964. Our records did not show any entitlement to the Vietnam Service Medal, etc. As shown by enclosure (2), we requested that the deck logs be reviewed.

Since we still had not received any answer to enclosure (2), CDR Jerry Mahar visited N09BH's office this morning and found no history for the ship.

Enclosure (3) states "RADFORD steamed to WESTPAC again in 1963, 1965 and 1966. During 1967, 1968 and 1969 she operated on Yankee Station (VIETNAM) and bombarded Viet Cong targets in South Vietnam.

2. Based on the above information I conclude that the ship did not operate in the Vietnam area during the period 29 August 1964 to 13 November 1964 and therefore, subject man is not eligible for the requested medals.


S.J. KIRK
By direction