



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 4585-98

10 May 1999

Dear [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 29 April 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 served on active duty in the Marine Corps from 4 September 1962 to 26 October 1966, when you were transferred to the Marine Corps Reserve. You underwent a pre-enlistment physical examination on 21 November 1972 and were found physically qualified for enlistment. You disclosed a history of several injuries, but their residuals were not considered disqualifying. You reenlisted in the Marine Corps on 30 May 1973. You underwent a pre-separation physical examination on 25 October 1973. You did not disclose any significant medical history, and no disqualifying defects were noted by the examining physician, who found you qualified for separation. You specifically denied a history of symptoms related to mental disorders. You were discharged from the Marine Corps on 27 November 1973, at your request, for hardship.

The Board noted that unlike the military departments, the Department of Veterans Affairs awards disability benefits without regard to the issue of fitness for military duty. In the absence of evidence which demonstrates that you were unfit to perform the duties of your office, grade, rank or rating at the time of your discharge from the Marine Corps in 1973,

the Board was unable to recommend any corrective action in your case. 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