



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7958-99

19 September 2000

[REDACTED]

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 19 September 2000. 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. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, a copy of which is enclosed.

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 noted that you have completed 17 years and 26 days of active service and are not eligible for retirement from the Marine Corps due to length of service. In addition, since your disability was rated at less than 30% in 1968, you were discharged with severance pay. Therefore, the Board substantially concurred with the comments contained in the advisory opinion. 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  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:  
1760  
MMSR-6J  
28 Jul 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

Ref: (a) MMER Route Sheet of 13Jul00, Docket No. 7958-99

Encl: (1) Statement of Service

1. Reference (a) requests an advisory opinion on [REDACTED] request to have his records corrected to show that he was retired by reason of permanent physical disability and not discharged.
2. On 30 September 1968, [REDACTED] was discharged from the Temporary Disability Retired List (TDRL) with a disability rated at less than 30 percent. As evidenced by the enclosure, [REDACTED] had served 17 years and 26 days active service when he was discharged.
3. Unfortunately, [REDACTED] was not eligible for retirement on 30 September 1968 when he was discharged from the TDRL. We must regretfully recommend that his petition not be granted favorable consideration.

[REDACTED]  
Head, Separation and  
Retirement Branch  
By direction of the Commandant  
of the Marine Corps