



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

JRE  
Docket No: 4011-01  
12 February 2002

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 7 February 2002. 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 rejected your wife's unsubstantiated contentions to the effect that your records were falsified, that false charges were filed against you to cover up your injuries, that you did not receive correct pay and allowances while you were on active duty, that you were "not a complete functional person" at that time, and that you were unable to hold a job following your release from active duty because of your alleged disabilities. The Board noted that although you sustained severe injuries during March 1969, you were not unconscious or in a coma as you allege, and you recovered without disabling residuals effects. You were found fit for duty by a medical board on 22 June 1970, and you declined to submit a statement in rebuttal to that finding. You underwent a pre-separation physical examination on 3 December 1970, and were found fit for release from active duty. You did not disclose any conditions at that time which you felt rendered you unfit for duty, despite being admonished to do so if you felt that you suffered from any such conditions. You were not recommended for reenlistment on 8 December 1970, because you were disqualified from reenlisting because of your low educational level, not because of your medical or physical condition. In addition, the Board noted that on 11 August 1970, you advised career planning personnel that

you wanted to get out of the service, because it didn't "do anything" for you.

In the absence of evidence which demonstrates that you were unfit to perform the duties of your office, grade, rank or rating by reason of physical disability at the time of your release from active duty, 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