



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

JRE  
Docket No: 8182-02  
25 November 2002

[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.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 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 found that you enlisted in the Navy on 22 November 1972. On 11 December 1972, a medical board determined that you suffered from right terminal paraxial hemimelia residual to a gunshot wound to your foot you had sustained prior to enlisting. The medical board determined that you failed to meet the minimum physical standards for enlistment because of that condition, and recommended that you be discharged without entitlement to disability benefits administered by the Department of the Navy. The medical board made an incidental finding that you had a congenitally absent toe, but did not consider that condition disqualifying. After being advised of the findings and recommendation of the medical board, you declined to submit a statement in rebuttal. You were discharged from the Navy on 14 December 1972, in accordance with the approved findings and recommendation of the medical board.

In the absence of evidence that demonstrates you were unfit by reason of a physical disability incurred in or aggravated by your 23 days of active service, 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