



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

JRE  
Docket No. 06618-09  
25 January 2010



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 14 January 2010. 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.

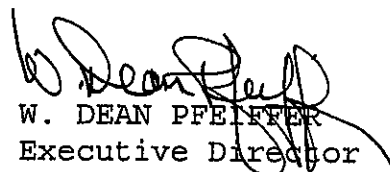
You were released from active duty on 17 March 1968 and transferred to the Temporary Disability Retired List (TDRL) the following day with a disability rating of 40% for residuals of a combat wound. On 21 March 1973 you were notified by the Commandant of the Marine Corps that as your disability was considered permanent and ratable at less than thirty percent, you would be discharged with entitlement to disability severance pay effective 31 March 1973. Shortly thereafter, the Veterans Administration was notified of your discharge and receipt of disability severance pay.

The Board was not persuaded that you were "pushed out" of the Marine Corps while you were recovering from wounds as you contend. As indicated above, you were on the TDRL for five years, which is the maximum period authorized by law. In addition, the available records do not demonstrate that you were suffering from posttraumatic stress disorder at the time of your release from active duty, that your disability was ratable at thirty percent or higher as of 31 March 1973, or that you should have received disability ratings from the Department of the Navy for any additional conditions.

In view of the foregoing, 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