



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

TJR  
Docket No: 11204-09  
2 September 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 1 September 2010. The names and votes of the members of the panel will be furnished upon request. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.


You enlisted in the Marine Corps on 18 April 1959 at age 17. The record contains a medical board report dated 7 May 1959 which reflects that after being referred for an evaluation due to edematous legs, you were diagnosed with malunion of fractures of both tibiae and fibulae, a condition that existed prior to your enlistment. Because of this condition, you did not meet enlistment standards and were disqualified for useful duty. At that time you were recommended for an administrative separation.

Subsequently, you were processed for an administrative separation by reason of unfitness due to a preexisting physical disability, specifically, diagnosed malunion of fractures of both tibiae and fibulae. Your commanding officer recommended discharge under honorable conditions. The discharge authority approved this recommendation and directed discharge under honorable conditions. On 13 May 1959, while serving in the rank of private, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant the recharacterization of your discharge because of your limited term of service, specifically, less than 180 days, and failure to complete recruit training. Finally, the Board concluded that the foregoing reasons were sufficient to support your discharge under honorable conditions. Accordingly, your application has been denied.

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