



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

JRE
Docket No. 1659-10
22 March 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 11 March 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 served on active duty in the Marine Corps from 17 April to 6 June 2006, when you were discharged by reason of fraudulent entry due to your failure to disclose disqualifying information, such as your history of a suicide attempt and psychiatric treatment. Following your discharge, the Department of Veterans Affairs denied your request for service connection for a hernia and bilateral leg fractures.


As the available records do not substantiate your contention to the effect that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your brief period of naval service, there is no basis for granting your

request for disability separation or retirement. In addition, as you were the source of the information in your record concerning your criminal history, there would be no basis for removing that information even if you were to establish that it is erroneous.

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