



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

JRE  
Docket No. 07263-10  
29 April 2011



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 28 April 2011. 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 31 July 1973 to 18 October 1974, when you were discharged by reason of unsuitability due to a character and behavior disorder, a condition not considered to be a disability. Effective 14 February 1984, the Veterans Administration (VA) awarded you a 10% disability rating for bipolar disorder, and confirmed that rating on 8 October 1985.

Your receipt of a VA disability rating effective 14 February 1984 is not probative of the existence of error or injustice in your naval record because it does not demonstrate that you were unfit for duty by reason of physical disability more than nine years earlier, when you were found to be unsuitable for service. Accordingly, and as you

have not demonstrated that you were unfit for duty on 18 October 1974 by reason of physical disability that was incurred in or aggravated by your service in the Marine Corps, 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