



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

JRE
Docket No: 8426-98
12 April 1999

[REDACTED]

Dear [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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 April 1999. 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 underwent a pre-enlistment physical examination on 9 September 1975. You were noted to have asymptomatic pes planus (flat feet), and hallux valgus (bunion), but were considered physically qualified for enlistment. On 7 April 1978, a medical board determined that you did not meet the minimum physical standards for enlistment due to pes planus and metatarsus primus varus with hallux valgus, which existed prior to your enlistment, and was not aggravated by your service. It recommended that you be discharged without entitlement to disability benefits administered by the Department of the Navy. After being advised of the findings and recommendation of the medical board, and of your right to demand a hearing before the Physical Evaluation Board (PEB), you declined to submit a statement in rebuttal thereto, and waived your right to the consideration of your case by the PEB. You were discharged from the Marine Corps on 14 June 1978, in accordance with the approved findings of the medical board.

In the absence of evidence which demonstrates that your disability was incurred in or aggravated by your service in the Marine Corps, 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