



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

JRE  
Docket No: 216-01  
7 November 2001



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 17 October 2001. 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, limited portions of 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 noted that you were found physically qualified for discharge from the Marine Corps Reserve on or about 18 October 1945, and were discharged on that date. The Board noted that there were no provisions of law for the disability retirement of enlisted service members prior to 1 October 1949, other than those who qualified for length of service retirement. Accordingly, you would not have been eligible for disability separation or retirement had you been found unfit for duty prior to your discharge in 1945. You reenlisted in the Marine Corps Reserve on 30 October 1947. The fact that you were permitted to reenlist, and were able to serve for about three years thereafter, indicates that you were physically qualified for service. You were discharged from the Marine Corps Reserve on 18 December 1950, after being found disqualified for service due to an anxiety disorder noted during the 10-29 September 1950 period, when you were activated for possible service in the Korean conflict. You submitted a disability claim to the Veterans Administration on 5 October 1950, for hives and an appendectomy scar. Your first claim for disability compensation for a mental disorder was submitted in 1992. You were ultimately granted

service connection for post traumatic stress disorder in 1998, retroactive to 28 February 1992.

The Board was not persuaded that you suffered from post traumatic stress disorder in 1945 or 1950, that you were unfit for duty in 1950 because of a disability which was incurred in or aggravated by your service in the Marine Corps Reserve, or that you should have been separated or retired by reason of physical disability with entitlement to disability benefits administered by the Department of the Navy. The fact that the VA awarded you service connection for a mental disorder more than forty years after your second discharge does not demonstrate that either of your discharges from the Marine Corps Reserve was erroneous or unjust. 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