



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

JRE  
Docket No: 2337-01  
26 December 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 29 November 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, 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 although you suffered from a lower back condition during your service in the Marine Corps, the condition was not symptomatic when you underwent your pre-separation physical examination on 21 June 1966, and you were considered physically qualified for separation. The fact that the Department of Veterans Affairs (VA) awarded you service connection for a lower back condition more than thirty years after you were released from active duty is not probative of the existence of error or injustice in your naval record. In this regard, the Board noted that although the VA may assign disability ratings at any time during a veteran's lifetime, the military department may only do so only at the time of the service member's separation or permanent retirement, and then only in those cases where the member has been found unfit to perform his duties. As you have not demonstrated that you were unfit for duty in 1966, 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