



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

TRG
Docket No: 9922-06
6 February 2008

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your deceased cousin's 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 January 2008. 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 late cousin's naval record and applicable statutes, regulations and policies. In addition, the Board considered an advisory opinion furnished by Headquarters Marine Corps with its enclosed memorandum from the Department of Defense, Prisoner of War/Missing Personnel Office, a copy of which is enclosed, and your rebuttal thereto.

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. In reaching its decision, the Board believed that the actions taken to declare your cousin to be missing in action in 1969 and declaring him to be deceased nearly 11 years later were reasonable and there was no abuse of discretion in this matter. The Board further believed that, given the passage of time, conclusive evidence to refute the findings made in this case probably no longer exists. Therefore, the Board substantially concurred with the comments contained in the advisory opinion.

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

Enclosure