



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

JRE
Docket No. 09385-08
20 July 2009

[REDACTED]

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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 9 July 2009. 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 served in the Marine Corps from 18 December 1975 to 27 May 1976, when you were discharged by reason of minority after it was determined that you had enlisted at age 17 without the permission of your custodial parent. Although you sustained a minor stress fracture during your period of service, you were considered fit for separation. On 10 December 1976, the Veterans Administration (VA) awarded you a 0% rating for the minimal residual effects of the stress fracture.

In the absence of evidence which demonstrates that you were unfit for duty by reason of physical disability at the time of

your separation, the Board was unable to recommend any corrective action in your case. In addition, the Board noted that the issue of your possible entitlement to disability compensation for any deterioration of your condition that may have occurred following your discharge is a matter within the purview of the VA rather than the Department of the Navy. 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