



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

JRE  
Docket No. 09422-08  
24 August 2009



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 16 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.

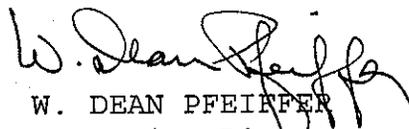
The Board found that you served on active duty in the Marine Corps from 30 October 1967 to 16 June 1969, when you were transferred to the Marine Corps Reserve (USMCR), and assigned a reenlistment code of RE-1. You were honorably discharged from the USMCR on 14 September 1973. Effective 8 November 2004, the Department of Veterans Affairs (VA) awarded you disability ratings of 30% for posttraumatic stress disorder, and 0% for residuals of wounds you sustained in combat. The combined rating was increased to 60% effective 9 November 2006 and to 80% effective 27 December 2007.

The Board concluded that your receipt of disability ratings from the VA more than thirty-five years after you were released from active duty is not probative of your contention that you should have been retired by reason of physical disability in 1969. There is no indication in the available records that you suffered from posttraumatic stress disorder prior to your release from active duty. In addition, you were examined on 10 June 1969 and found physically qualified for release from active duty and to perform the duties of your rank at sea and in the field. Your signature in item 72 of the report of examination indicates that you had been advised to notify the examining physician of any conditions you felt were disabling or warranted further evaluation or treatment. There is no indication elsewhere in that form that you disclosed any such conditions. Your receipt of a reenlistment code of RE-1 indicates that you were qualified and recommended for reenlistment, and that you could have reenlisted at that time had you wanted to do so.

In the absence of evidence which demonstrates that you were unfit to reasonably perform your duties at the time of your release from active duty, the Board was unable to recommend 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