



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

JRE
Docket No. 09714-08
25 February 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 12 February 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 enlisted in the US Marine Corps Reserve (USMCR) on 17 November 1971, and served on initial active duty for training from 18 November 1971 to 16 May 1972. You entered on extended active duty on 2 October 1972. You underwent a pre-separation physical examination on 23 September 1974 and were found qualified for performance of duty at sea, on foreign service and in the field. You did not disclose a history of any medical or psychiatric conditions at that time, despite being advised of your right to do so. The physician who examined you did not record any significant conditions or defects in the report of examination. You were released from active duty on 1 October 1974.

On 20 November 2007, the Department of Veterans Affairs (VA) denied your request for service connection for twelve conditions that it determined were not incurred in or aggravated by your naval service. Among those conditions was alleged posttraumatic stress disorder. The VA rating officials noted that you had submitted an altered copy of a DD Form 214 which purported to establish that you had served in Vietnam, when in fact you had not served there. The rating officials did not accept your false claims that you had been a member of "Recon Special Forces", who served in combat in Vietnam in "1971/72" and was wounded in action.

The Board rejected your unsubstantiated contentions to the effect that you served in Vietnam and that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your naval service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider your requests for correction of the military occupational specialty and an address shown on your DD Form 214 as you have not exhausted an available administrative remedy by submitting the requests to the Commandant of the Marine Corps.

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