



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

JRE
Docket No. 06400-09
3 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 in which you requested that the Board create a record of an injury you contend you sustained while on active duty and that you suffered from posttraumatic stress disorder.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 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.

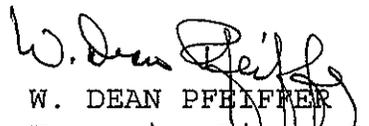
The Board found that you served on active duty in the Navy from 5 May 1970 to 4 February 1972 as a culinary specialist. There is no indication in your naval record that you sustained a significant injury to your lower extremities during that period other than an unspecified injury that apparently resulted in

swollen feet and was assessed as a strain. In addition, the records do not establish that you suffered from posttraumatic stress disorder. Following your discharge, you applied to the VA denied for service connection for several different conditions of your lower extremities and posttraumatic stress disorder. The majority of your requests were denied; however, on 29 November 2006 the VA granted your request for service connection for metatarsal arthritis of the right foot thought to be related to the aforementioned injury.

In the absence of credible evidence which demonstrates that you sustained a significant injury to your lower extremities other than that which is already shown in your record, or that you suffered from posttraumatic stress disorder while you were on 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 PFIEFFER
Executive Director