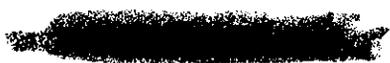




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No. 11122-09
8 April 2010



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 8 April 2010. 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, available naval records 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.

You enlisted in the Navy Reserve on 1 November 1960, and were ordered to active duty on or about 12 May 1964 for a period of two years. You were evaluated by a board of medical survey (BMS) on 16 June 1964 because of your complaint of foot pain after walking about one quarter mile. Physical examination and imaging studies revealed bilateral pes planus (flat feet), painful bilateral hallux valgus (bunions), hammertoes, claw toes and multiple surgical scars. The BMS determined that you were unfit for duty by reason of bilateral hallux valgus, which was not incurred in or aggravated by your brief period of active duty service, and recommended that you be discharged without entitlement to disability benefits. You were honorably

discharged on 15 July 1964, in accordance with the approved findings and recommendation of the BMS. On 10 February 1975, the Veterans Administration denied your request for service connection for hallux valgus, pes planus and claw toes based on its independent determination that those conditions were neither incurred in nor aggravated by your active service.

The available records indicate that your pre-existing foot condition became symptomatic shortly after you entered on active duty. There is no indication in those records that you sustained significant trauma to your feet while on active duty, or that your pre-existing condition increased in severity beyond natural progression during that time. In the absence of evidence which demonstrates that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your service, the Board was unable to recommend any 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