



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

JRE

Docket No. 12383-09  
11 December 2009

[REDACTED]

[REDACTED]

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 10 December 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. In this regard, the Board found that you were discharged because of chronic ankle pain which you believed was disabling. Whether or not the condition was properly diagnosed as osteochondritis dissecans (OCD) is immaterial, because you would have been found unfit for duty even if that diagnosis had been incorrect; however, the Board found that the diagnosis of OCD is substantiated by a statement from an orthopedic surgeon dated 18 June 1981 which is filed in your record. The surgeon stated that you had healed OCD of both ankles, with some arthritic changes of both ankles. The medical statement dated 12 November 2009 you submitted in support of your application, which is to the effect, that recently taken X-ray images of your ankles show no acute fractures,

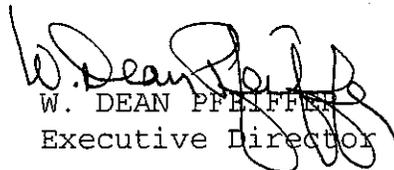
dislocations or articular defects, does not demonstrate that your former diagnosis of OCD is erroneous.

The Board found that RE-3P is the most favorable reentry code that may be assigned to the Marine being discharged by reason of physical disability. The alternative code is RE-4. As you have not demonstrated that you were discharged in error, the Board was unable to recommend that your reentry code be changed or to correct your record to show that you were retained on active duty until you had completed the full period of service for which you had enlisted.

In view of the foregoing, 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