



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

JRE
Docket No. 13273-09
4 February 2010

[REDACTED]

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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 28 January 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, 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.

You served on active duty in the Marine Corps from 28 January 1985 to 30 September 1988, when you were discharged by reason of physical disability, with entitlement to disability severance pay, due to a condition of your feet that was rated at 10% disabling.

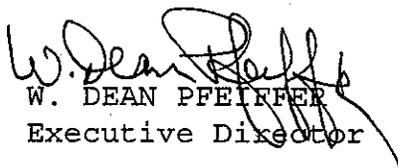
The Board did not accept your contention to the effect that you did not know that you had been discharged by reason of physical disability. In this regard, it noted that you advised official of the Veterans Administration on or about 9 January 1990 that you had received disability severance pay from the armed forces. Accordingly, and as you have not demonstrated that the condition of your feet condition was ratable at or above 30% disabling at

the time of your discharge, which is the minimum rating required to entitle you to monthly disability retirement payments from the Marine Corps, there is no basis for recommending any corrective action in your case.

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