



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

JRE
Docket No. 03920-10
28 May 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 28 May 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.

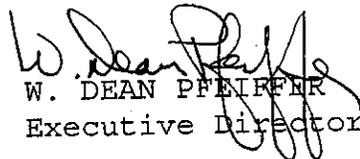
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 18 October 1967. On 11 April 1969 a medical board gave you a diagnosis of spondylolisthesis, L5 on S1, existed prior to entry, not aggravated by service, and recommended that you be discharged without entitlement to disability benefits administered by the Department of the Navy. You accepted the findings and recommendation of the medical board on 11 April 1969, waived your right to appear before a physical evaluation board, and requested that you be administratively discharged as soon as possible without entitlement to disability retired pay or severance pay. You were discharged in accordance with your request on 24 June 1969.

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 naval 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