



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

JRE
Docket No. 06149-10
25 April 2011

[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 7 April 2011. 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 reenlisted in the Marine Corps on 5 February 1969 and served until 15 April 1971, when you were discharged by reason of physical disability with a rating of 10% for a depressive disorder. Effective 16 April 1971, the Veterans Administration (VA) awarded you a combined disability rating of 10% for the depressive disorder and residuals of a knee injury. The combined rating was increased to 30% in 1976 and ultimately to 100%

The Board was not persuaded that you were suffering from posttraumatic stress disorder prior to your discharge from the Marine Corps, or that you were coerced into accepting discharge with entitlement to severance pay. In addition, it noted that although

the VA may change a veteran's disability ratings at any time, as it did on several occasions in your case, ratings assigned by the military departments are fixed as of the date of the service member's separation or permanent retirement. In the absence of evidence which demonstrates that your mental disorder and knee condition were ratable at a combined 30% or higher as of 15 April 1971, the Board was unable to recommend favorable 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