



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

JRE  
Docket No. 04688-11  
7 June 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 26 May 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 enlisted in the Marine Corps on 8 August 1969. On 23 November 1970, a medical board determined that you were unfit for duty because of the effects of an inherited disorder of your liver which had not been aggravated by your naval service. It recommended that you be discharged without entitlement to disability benefits administered by the Department of the Navy. After being advised of the findings of the medical board, you waived your right to demand a hearing before a physical evaluation board, and requested that you be administratively discharged as soon as possible. You were honorably discharged on 24 December 1970 in accordance with your request and the approved recommendation of the medical board.

Your receipt of disability compensation from the Department of Veterans Affairs (VA) is not probative of the existence of error or injustice in your naval record because the VA awarded that compensation many years after you were discharged from the Marine Corps, and it did so without regard to the issue of your fitness for military duty on 24 December 1970. In the absence of evidence which demonstrates that you were unfit for duty by reason of a service incurred or aggravated disability at the time of your discharge, the Board was unable to recommend favorable action on your request. 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