



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

JRE
Docket No. 547-12
1 November 2012

[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 25 October 2012. 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 your application was not timely filed, and that you have not demonstrated that it would be in the interest of justice for the Board to excuse your failure to submit your application in a timely manner. The Board noted that although you claim you discovered the alleged error or injustice in 2011, you knew on 12 August 1996, when you were honorably discharged from the Navy, that you were not considered unfit for duty by reason of physical disability. In addition, it noted that although you claim the

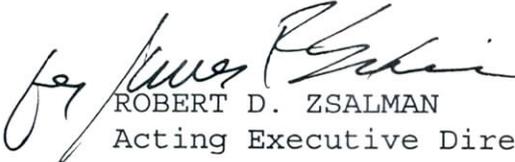
Department of Veterans Affairs (VA) granted your request for service connection for posttraumatic stress disorder, records obtained by the Board indicate that the VA denied your request for service connection for that condition and seven others on 22 June 2011.

In view of the foregoing, your application has been denied.

The board did not consider your request for awards and decorations as you have not exhausted an available administrative remedy by submitting a request to the Commandant of the Marine Corps for administrative correction of your record.

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,


ROBERT D. ZSALMAN
Acting Executive Director