



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

JRE
Docket No: 4460-02
2 December 2002



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 15 November 2002. 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.

The Board found that you enlisted in the Marine Corps on 20 June 1969. You were evaluated by a medical board on 26 September 1969, and given a diagnosis of h[ematuria]. You disclosed to the medical board that you had suffered a crushing injury to [your back] years earlier, and subsequently experienced several episodes of bloody urine. In addition, you were involved in an automobile accident one month before you enlisted and was hospitalized for treatment of a kidney injury. You concealed your history of hematuria from physicians at the entrance examination station and during your initial medical screening at the recruit depot. You experienced recurrent episodes after enlisting, usually after vigorous exercise. The medical board determined that you did not meet the minimum physical standards for enlistment because of the hematuria, and recommended that you be discharged without entitlement to disability benefits. On 26 September 1969, you waived your right to a hearing before a physical evaluation board, and requested that you be discharged as soon as possible. You were discharged in accordance with your request and the approved recommendation of the medical board on 8 October 1969.

The Board rejected your unsubstantiated contention to the effect that your signature was forged on the document in which you waived your right to appear before a physical evaluation board. It was not persuaded that you were unfit for duty because of a disability that was incurred in or aggravated by your brief period of Marine Corps service. 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