



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

JRE
Docket No: 4899-02
25 November 2002

[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 21 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 underwent a pre-enlistment physical examination on 19 September 1995. You failed to disclose a history of any foot problems at that time, and denied a history of any significant medical history other than what you termed "childhood illnesses". You enlisted in the Marine Corps on 7 November 1995, and shortly thereafter began to complain about painful feet. You denied any in-service trauma to your feet, and disclosed that you had always had foot problems, especially after strenuous physical activity. You were diagnosed as suffering from symptomatic flat feet, and recommended for discharge without entitlement to disability benefits administered by the Department of the Navy. The recommendation was approved, and you were discharged by reason of erroneous enlistment on 22 January 1996, with an entry level separation.

In the absence of evidence which demonstrates that your disqualifying flat foot condition was incurred in or aggravated by your brief period of 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