



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

JRE
Docket No: 6879-02
2 December 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 were discharged from the Navy on 3 January 1986, without entitlement to disability benefits, after it was determined that your injuries were incurred as a result of your own misconduct, specifically as a result of your operation of a motorcycle at an unsafe speed while intoxicated. Following your discharge, officials of the Department of Veterans Affairs conducted an independent review of the circumstances of the incurrence of your injuries, and denied your request for service connection for the residuals of your injuries.

The Board did not accept your unsubstantiated contention to the effect that the accident occurred when a bag of ice was thrown at you by several "Skin Heads", who were upset that you had been dancing with a woman whom they presumably felt you should not have been dancing with. In the absence of evidence which demonstrates that your injuries were incurred in the line of duty, 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