



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

JRE
Docket No: 7263-02
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 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 enlisted in the Marine Corps on 4 November 1968. You underwent a pre-separation physical examination on 18 March 1970. You did not disclose a history of a wound or injury to your left leg. The physician who conducted the examination noted that you had a scar on your right elbow, and a tattoo on your lower right arm. The scars which you now have on your left leg were not noted by that physician. You were released from active duty on 21 March 1970, and transferred to the Marine Corps Reserve. During December 1979, you wrote the Commandant of the Marine Corps to verify that you were entitled to the National Defense Service Medal, Vietnam Service Medal with one star, Rifle Marksman Badge, Vietnam Campaign Medal, and Combat Action Ribbon, as shown on your DD Form 214. The Commandant confirmed your entitlement to those awards, as well as two awards issued by the Republic of Vietnam.

The Board was unable to accept your unsubstantiated contention to the effect that your left leg was injured while you were serving in Vietnam in 1969. There is no indication in the available records that you received such an injury, and, as indicated above, there were no

scars noted on that leg 1970. 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