



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

JRE
Docket No. 08797-09
7 June 2010

[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 3 June 2010. 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.

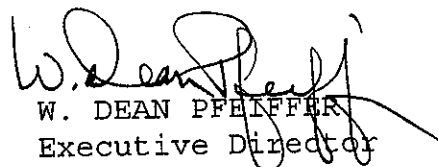
You enlisted in the Marine Corps on 26 June 1981. You were wounded in the bombing of the Marine barracks in Beirut, Lebanon, in 1983, and sustained trauma to your head and lower extremities, a perforated eardrum, and a mild hearing loss. You completed a Report of Medical History on 21 June 1985 in which you disclosed a history of lameness, swollen or painful joints, ear, nose or throat trouble, head injury, bone, joint or other deformity, and foot trouble; however, you denied having a history of frequent trouble sleeping, depression or excessive worry, and nervous trouble of any sort. You underwent a pre-separation physical examination on that date and were found qualified for separation. The only significant defects noted by the examining physician were high frequency hearing loss, warts,

and decreased range of motion in your right foot, none of which was considered disqualifying for service or separation. You were released from active duty on 25 June 1985 at the expiration of your active obligated service. On 13 January 1986, the Department of Veterans Affairs (VA) awarded you a 10% disability rating for tendinitis of the right ankle and 0% for a history of perforation of the tympanic membrane and high frequency hearing loss. On 9 August 1994 the VA added a rating of 10% for posttraumatic stress disorder. On 20 April 2004 the VA increased the ratings for the ankle condition and the posttraumatic stress disorder to 30% and 50%, respectively.

Your receipt of a combined disability rating of 10% from the VA shortly after you were released from active duty is not probative of the existence of error or injustice in your naval record because those ratings were assigned without regard to the issue of your fitness for military duty on 25 June 1985. As noted above, you were examined and found physically qualified for separation shortly before you were released from active duty. There is no indication in your naval record that you were suffering from posttraumatic stress disorder or other significant mental disorder at that time, or that your ankle condition and/or hearing loss rendered you unfit for duty. 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