



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 2989-95

26 August 1999

Dear [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 15 July 1999. 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. In addition, the Board considered the advisory opinion furnished by the Director, Naval Council of Personnel Boards dated 19 April 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, and notwithstanding the advisory opinion from the Director, Naval Council of Personnel Boards, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, it noted that your release from active duty and transfer to the Marine Corps Reserve was pursuant to a demobilization program for overseas returnees with limited remaining active duty service commitments. It was not related to the findings of your medical board or the behavior/adjustment difficulties which occurred after your return from combat service. Although it appears that you suffered from combat stress reaction at that time, it was mild in nature, and the Board was not persuaded that you were unfit for duty because of that condition. It noted that you were restored to full duty on 20 March 1969, and received proficiency and conduct marks of 4.3 and 4.5, respectively, on 2 April 1969.

In view of the foregoing, your request for correction of your record to show that you were retired by reason of physical disability 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

Enclosure

