



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 468-99

21 May 1999

[REDACTED]

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 13 May 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.

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 Marine Corps by reason of physical disability on 1 September 1995 due to myelitis rated at 10%. On 6 October 1996, the Department of Veterans Affairs (VA) awarded you a 30% rating under VA code 8018 for multiple sclerosis. The VA rating decision indicates that the examiner's assessment was that your complaint of tingling in both arms and legs on several occasions could be consistent with a "...demyelinating lesion of the cervical cord", and that "possible multiple sclerosis" was diagnosed.

The Board concluded that the available evidence is insufficient to demonstrate that you suffered from multiple sclerosis prior to your discharge from the Marine Corps, or that you were entitled to a 30% rating for that condition, rather than the 10% rating you actually received for myelitis. 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