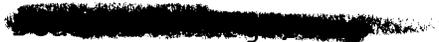




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE

Docket No. 09993-02
16 June 2003



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. You requested that your record be corrected to show that you did not jump from a police wagon on 7 May 1959.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 June 2003. 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 6 January 1958. You sustained severe head injuries on 7 May 1959. A line of duty investigation into the circumstances of the incurrence of your injuries established that you jumped out of the back of a police wagon, fell and struck your head. The investigating officer and all endorsing officials, to include the Judge Advocate General, determined that your injuries were incurred as a result of your own misconduct and not in the line of duty. You were subsequently found unfit for duty, and discharged without entitlement to disability benefits

administered by the Department of the Navy. On 19 May 1961, the ~~Veterans Administration determined that your disability was the~~ result of your willful misconduct, and denied your claim for service connection for the residuals of your injuries.

Although the Board was sympathetic to your situation, it was unable to conclude that you did not jump out a police wagon as alleged, or that your injuries were incurred in the line of duty, and not as a result of your own misconduct. 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