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

JRE
Docket No: 3548-00
13 June 2001

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 31 May 2001. 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 served on active duty in the Marine Corps from 11 March 1991 to 23 March 1994, when you were discharged in grade E-2 by reason of unsatisfactory performance. Although you were treated for numerous medical conditions during your enlistment, they were not severe, and did not render you unfit by reason of physical disability. In this regard, the Board noted that you were found fit for release from active duty on 11 March 1994. The only significant defects noted were flat feet and a callus over the first metatarsalphalangeal joint. You did not disclose any conditions which you felt were disabling at that time. Following your discharge, the Department of Veterans Affairs (VA) awarded you a combined rating of 0% from 24 March 1994, for a painful right knee, benign essential tremors, hypertension, and shin splints, and it denied compensation for five other conditions from which you claimed to be suffering. The combined rating was increased to 30% effective from 27 August 1999.

The fact that the VA awarded you a combined disability rating of 0% effective the day following your discharge is not probative of the existence of error or injustice in your record,

because that agency assigns ratings without regard to the issue of fitness for military duty. As you have not demonstrated that you were unfit for duty, the Board was unable to recommend any corrective action in your case. 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