



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

JRE  
Docket No: 1431-01  
21 November 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 16 November 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 underwent a pre-separation physical examination on 17 December 1998. You disclosed a history of treatment for several conditions, but stated that you were in "good condition". The physician who conducted the examination noted that you had several conditions, to include flat feet, mechanical lower back pain, bursitis, tobacco abuse, and a pelvic fracture, but none was considered disqualifying. You were discharged on 19 February 1999, by reason of a condition, not a disability, interfering with your performance of duty. Your discharge processing was initiated after you waived your right to appear before a physical evaluation board.

In order for a service member to qualify for disability retirement or separation from the Armed Forces, a physical evaluation board, or its reviewing authority, must find the service member unfit to perform the duties of his or her office, grade, rank or rating by reason of physical disability incurred in or aggravated by military service. Although your ability to complete training was adversely affected by several physical conditions from which you suffered at that time, none was considered disabling, and you were not considered unfit for

duty. In the absence of evidence which demonstrates 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.

The Board did not consider your request for administrative correction of your DD Form 214. That request should be directed to the Commandant of the Marine Corps.

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