



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

JRE
Docket No: 4780-00
18 September 2001

[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 16 August 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 13 June 1995 to 12 June 1999, when you were released from active duty and transferred to the Marine Corps Reserve. You were assigned a reenlistment code of RE-1A, to indicate that you were fully qualified and recommended for reenlistment.

The Board noted that in order to be separated or retired from the service by reason of physical disability, a service member must be unfit to perform the duties of his or her office, grade, rank or rating by reason of physical disability. Although you received treatment for a heart condition in January 1998, the condition apparently became asymptomatic during the remainder of your active duty service, and did not preclude you from performing your duties. The Board noted that the issue of treatment and compensation for the recurrence and/or deterioration of your condition which occurred following your release from active duty is a matter within the purview of the Department of Veterans Affairs (VA), rather than the Department of the Navy, absent evidence which demonstrates that you were unfit for duty on 12 June 1999.

In view of the foregoing, 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