



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 6664-99
24 October 2000



Dear 

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 October 2000. 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 the subject of an Abbreviated Limited Duty Medical Board Report dated 28 February 1996. As a result, you were placed on limited duty for a period of six months for treatment of a gynecological condition. You were reevaluated on 9 July 1996, and it was determined that your symptoms had largely resolved. You received a fitness report for the 1 March -8 [sic] August 1996 period, in which the ratings and narrative comments are laudatory, and your reporting senior indicates that you had a "[h]igh first class PFT' score. You were released from active duty and discharged from the Marine Corps on 4 August 1996. On 16 April 1997, the Department of Veterans Affairs (VA) awarded you a 10% rating for the gynecological disorder, 10% for an allergy condition, and 0% for several other conditions. On 31 August 1999, the VA increased the rating for the gynecological condition to 30%, effective from 1 September 1996, based, in large part, on the deterioration of your condition which occurred following your release from active duty. You were given a temporary 100% rating during your convalescence from a hysterectomy, and a 50% rating thereafter.

The Board rejected your unsubstantiated contention to the effect that you were taken off medical hold because you had reached your expiration of active service (EAS), and that you were told to seek care from the Department of Veterans Affairs (VA). As indicated above, you were retained on active duty for a brief period in order to attempt medical control of your gynecological condition, and you were discharged after the condition became asymptomatic. You were not placed on limited duty because you were unable to perform your duties, and there is no indication in the available records that you were unfit for duty when discharged. The Board noted you were assigned a reenlistment code of RE-1A, which indicates you were eligible and recommended for reenlistment, and could have remained on active duty had you opted to reenlist.

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