



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

JRE
Docket No. 08527-05
20 November 2006



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 2006. 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.

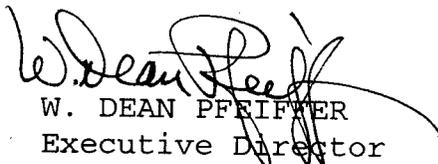
The Board found that you served on active duty in the Marine Corps from 23 June to 31 December 2003, when you were discharged by reason of physical disability because of a pulmonary embolism, which was rated at 10% by the Physical Evaluation Board. You were assigned a reentry code of RE-3P, which is the most favorable code authorized for Marines discharged by reason of physical disability. That code is assigned to indicate that the Marine in question requires a waiver of physical disqualification

in order to reenlist. The code does not preclude reenlistment. On 30 April 2004, the Department of Veterans Affairs (VA) denied your request for disability compensation for the pulmonary embolism because there was no evidence of residuals of that condition or any chronic lung disability in your service medical records, and you did not report any symptoms when you underwent a VA examination.

In the absence of evidence which demonstrates that your discharge by reason of physical disability is erroneous or unjust, 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