



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

JRE
Docket No. 07446-07
1 July 2008

[REDACTED]

[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 26 June 2008. 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.

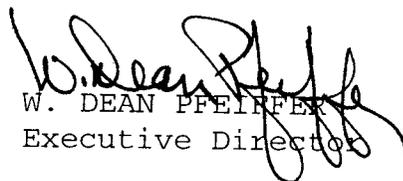
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you served in the Marine Corps from 26 May 1998 to 31 August 1999, when you were released from active duty transferred to the Temporary Disability Retired List (TDRL) with a 40% disability rating for adult onset Still's disease. The Department of Veterans Affairs confirmed that diagnosis, and assigned a 40% rating from 1 September 1999 to 1 May 2002, when the rating was reduced to 0%. On 1 May 2004 you were discharged from the Marine Corps by reason of physical disability, with entitlement to severance pay. On 21 June 2004, the VA increased your disability rating to 10%. The VA confirmed the 10% rating in a rating decision dated 24 January 2006, based on a review of

hospital reports and outpatient treatment reports which show that you had not had an exacerbation of the Still's disease in five years. You did not qualify for a 20% rating, which requires one or two exacerbations per year, or a 40% rating, which requires symptoms productive of definite impairment of health objectively supported by examination findings, or incapacitating exacerbations which occur at least three times a year. As you have not demonstrated that your condition was severe enough on 30 April 2004 to have warranted a rating in excess of 10%, the Board was unable to recommend 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