



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

JRE
Docket No. 10721-07
20 June 2008

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: FORMER PVT, USMC, [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) BCNR file

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, requested that the Secretary direct that his naval record be corrected show, in effect, that he was separated or retired by reason of physical disability vice discharged by reason of erroneous entry because of physically disqualifying conditions that existed prior to his enlistment.

2. The Board, consisting of [REDACTED] and [REDACTED], Petitioner's allegations of error and injustice on 11 June 2008, and pursuant to its regulations, determined that Petitioner's request should be denied.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies which were available under existing law and regulations within the Department of the Navy.

b. After reviewing the contents of enclosure (1), which includes Petitioner's most recent submission, the Board concluded that Petitioner did not submit any new material evidence or other matter in support of his request for corrective action. In addition, he failed to demonstrate that he was unfit for duty by reason of physical disability that was incurred in or aggravated by his naval service, or that he was improperly discharged by reason of erroneous entry. In this regard, the Board substantially concurred with the findings made

by the two panels of the Board which considered and denied his request for corrective action on 18 April 1996 and 8 April 1999. The findings of those panels are at tabs (a) and (b) in enclosure (1).

CONCLUSION:

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.

RECOMMENDATION:

a. That Petitioner's request for correction of his naval record be denied.

b. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JAMES R. EXNICIOS
Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.


W. DEAN PFEIFFER

Reviewed and approved findings and recommendation of the Board:

Robert T. Cali 8-26-08



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

JRE:jdh
Docket No. 10721-07
4 September 2008

[REDACTED]

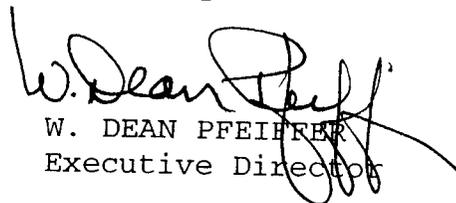
Dear [REDACTED]

The Board considered your request for correction of your naval record on 11 June 2008. A designated representative of the Assistant Secretary of the Navy for Manpower and Reserve Affairs conducted an independent review of the Board's proceedings and approved the Board's recommendation that your petition be denied. A copy of the Board's written report as approved by the designated representative of the Assistant Secretary is enclosed.

You are advised that reconsideration of your case will be granted only upon the presentation of new and material evidence or other matter not previously considered by the Board.

It is regretted that a more favorable reply cannot be made.

Sincerely,


W. DEAN PFEIFFER
Executive Director

Enclosure