



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

JRE
Docket No. 07375-08
10 June 2009

[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 14 May 2009. 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 discharged from the Marine Corps on 25 September 1992 by reason of expiration of enlistment. As you were not permitted to reenlist at that time, you received separation pay in the amount of \$16,605.11. Effective 11 March 1996, the Department of Veterans Affairs (VA) awarded you disability ratings of 10% for residuals of a shoulder injury, and 0% for residuals of a wrist injury. The rating for the shoulder condition was increased to 20% effective 3 January 2005, and the rating for the wrist condition was increased to 10% effective 17 January 2006.

In order to be separated or retired by reason of physical disability, a service member must be unfit to reasonably perform the duties of his office, grade, rank or rating by reason of physical disability. There is no indication in your naval record that you were unfit for duty on 25 September 1992. The fact that the VA awarded you disability ratings for two minor conditions more than three years later is not probative of the existence of error or injustice in your naval record, because those ratings were assigned without regard to the issue of your fitness for military duty on the date of your discharge. 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