



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

JRE
Docket No. 12112-08
24 November 2009

[REDACTED]

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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 19 November 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.

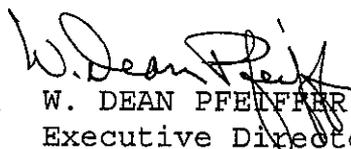
The Board found that you served in the Marine Corps from 22 August 2006 to 23 March 2007 when you were discharged by reason of a condition, not a disability, that interfered you're your performance of duty. On 24 August 2007, the Department of Veterans Affairs (VA) granted your request for service connection for asthma with chronic bronchitis, depression, a rib fracture and a scar along the left eyebrow, and awarded a combined rating of 0%.

The fact that you were tested on 20 May 2008 and found not to be suffering from asthma at that time was considered insufficient

to demonstrate that you were discharged from the Marine Corps in error, or that the diagnoses which resulted in your discharge are incorrect. 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 PFELFER
Executive Director