



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

JRE
Docket No. 00026-09
25 January 2010

[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 14 January 2010. 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.

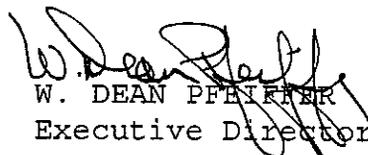
You served on active duty in the Marine Corps from 21 April 2003 to 20 April 2007, when you were voluntarily released from active duty and transferred to the Marine Corps Reserve. You were assigned a reentry code of RE-1A, to indicate that you were qualified and recommended for reenlistment at that time.

The Board concluded that your receipt of substantial disability ratings from the Department of Veterans Affairs (VA) shortly after you were released from active duty in not probative of the existence of error or injustice in your naval record, because

the VA assigned those ratings without regard to the issue of your fitness to reasonably perform your military duties as of the date of your release from active duty. As you have not demonstrated that you were unfit for duty by reason of physical disability on 20 April 2007, 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