



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

JRE
Docket No. 01563-09
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 4 June 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 on active duty in the Marine Corps from 9 January 1995 to 15 October 1996, when you were discharged by reason of physical disability with entitlement to severance pay, and assigned a reentry code of RE-3P, to indicate that you require a waiver of physical disqualification in order to become eligible for reenlistment. You were found unfit for duty because of your persistent shortness of breath which did not resolve with medical treatment and a period limited duty.

The Board noted that RE-3P is the most favorable reentry code authorized for Marines who are discharged by reason of physical

disability. That code should not preclude your reentry into the Armed Forces as it may be waived, particularly in a case such as yours, where you no longer experience disabling shortness of breath. The Board concluded that regardless of the diagnostic label applied to your condition, you were clearly unfit for duty in 1996 because of your persistent shortness of breath, and that changing the diagnosis of your former disability would not accord you effective relief.

In view of the foregoing, 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