



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

JRE
Docket No. 05732-09
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 29 October 2002 to 15 April 2003, when you were discharged for the convenience of the government with an uncharacterized entry level separation by reason of shoulder pain that was classified as a condition not a disability.

The Board found that you were not entitled to receive a characterized separation because separation processing was initiated in your case prior to your completion of 180 days of service. The Board noted that the receipt of disability ratings

from the Department of Veterans Affairs is not probative of the existence of error or injustice in a naval record, because the VA assigns disability ratings without regard to the issue of fitness for military duty. As you have not demonstrated that you were unfit to reasonably perform the duties of your rank by reason of physical disability at the time of your discharge, there is no basis for correcting your record to show that you were separated or retired by reason of physical disability. 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