



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

JRE
Docket No. 12607-09
9 August 2010



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 29 July 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 enlisted in the Marine Corps on 21 February 2004. You underwent a pre-separation physical examination on 13 December 2007 and were found physically qualified for separation notwithstanding your history of type II diabetes mellitus and lumbago. You were released from active duty on 20 February 2008 and assigned a reentry code of RE-3c. Among the factors which may have contributed to the assignment of that reentry code are your thirty-two days of time lost, receipt of nonjudicial punishment, and apparent failure to conform to applicable body composition standards.

Your receipt of disability ratings from the Department of Veterans Affairs (VA) for diabetes, a rash, a cyst, and lumbago is 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 for military duty. As you have not demonstrated that you were unfit for duty on 20 February 2008, 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 PFIEFFER
Executive Director