



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

JRE
Docket No. 04664-10
22 February 2011

[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 17 February 2011. 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.

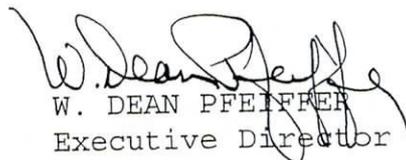
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You served on active duty in the Marine Corps from 31 December 1996 to 31 March 1998, when you were discharged by reason of physical disability due to a spinal disorder which caused chronic low back pain. You were assigned a reentry code of RE-3P to indicate that you require a waiver of physical disqualification in order to become eligible for reenlistment. The Department of Veterans Affairs (VA) denied your requests for service connection for a lower back condition on 2 September 1999 and 20 September 2007, which suggests that you believed the condition was disabling. In each case, the VA determined that the available evidence did not establish that the back condition was aggravated by your naval service, and denied your request for disability compensation.

In the absence of evidence which demonstrates that you were fit for duty on 31 March 1998 and therefore discharged in error, the Board concluded that there was no basis for correcting your record to show that you received a more favorable reentry code than RE-3P. 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