



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

JRE  
Docket No. 225-12  
1 November 2012

[REDACTED]

[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 25 October 2012. 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 from 29 May 2001 to 31 December 2003, when you were discharged by reason of physical disability with entitlement to disability severance pay. On 9 May 2007 the Department of Veterans Affairs (VA) granted your request for

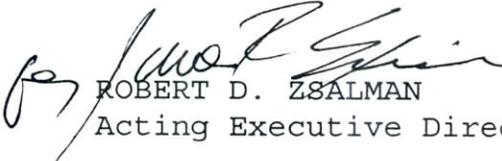
service connection for reactive airway disease and awarded you a disability rating of 10%.

In the absence of evidence which demonstrates that your disability was ratable at 30% or higher as of 31 December 2003, the Board was unable to recommend favorable action on your request for correction of your record to show that you were 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.

The Board did not consider your request for administrative correction of your DD Form 214. If you want corrections to your DD Form 214 beyond those noted by the Commandant of the Marine corps in the letter dated 22 February 2011, you must clearly specify what corrective action you are seeking.

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,

  
ROBERT D. ZSALMAN  
Acting Executive Director