



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

JRE

Docket No. 1369-12

17 December 2012

[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 13 December 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 enlisted in the Marine Corps on 26 July 2004. You completed a Report of Medical Assessment on 18 February 2009 in connection with a pre-separation physical examination in which you stated that you did not have any conditions that limited your ability to work in your primary military specialty or required geographic or assignment limitations. You were found physically qualified for separation on that date. You were

released from active duty on 25 March 2009, and on 9 April 2009 the Department of Veterans Affairs (VA) awarded you a combined disability rating of 40% for seven conditions.

Your receipt of disability ratings from the VA is not probative of the existence of error or injustice in your naval record because the VA assigned those rating without regard to the issue of your fitness for naval service at the time of your release from active duty. As you have not demonstrated that you were unfit for duty at that time, the Board was unable to recommend corrective action on your request. 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