



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

JRE  
Docket No: 5195-99  
22 June 2000

[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 25 May 2000. 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 reenlisted in the Marine Corps on 28 May 1982. You were convicted by special court-martial on 30 November 1983, and reduced from staff sergeant (E-6) to sergeant (E-5). You underwent a pre-separation physical examination on 6 February 1984, and were found physically qualified for discharge. You indicated that your health was good at that time, and you did not report any conditions which you felt rendered you unfit for duty. You were discharged from the Marine Corps at your own request on 16 March 1984, because you did not want to remain in the Marine Corps at the grade to which you had been reduced by court-martial.

The Board concluded that your receipt of a 10% disability rating from the Veterans Administration (VA), effective 17 March 1984, is not probative of error or injustice in your case. In this regard, the Board noted that the VA assigns disability ratings to conditions it classifies as "service connected", without regard to the issue of fitness to perform military duty. Although you were treated for a number of conditions during your career in the Marine Corps, you were considered fit for duty at the time of your discharge, and there is no

indication in your record that you were unable to perform your duties. 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