



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

JRE
Docket No: 3505-00
10 April 2001



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 5 April 2001. 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. In addition, it considered the comments of your counsel.

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 noted that you underwent a pre-separation physical examination on 10 and 15 December 1998. You indicated that your health was good at that time, and you declined to undergo any specialty evaluations. At the conclusion of the examination, you were found physically qualified for separation. You were discharged from the Marine Corps on 20 December 1998. On 20 October 1999, the Department of Veterans Affairs (VA) awarded you a combined disability rating of 60% for eight conditions. The VA denied your request for service connection for six additional conditions.

The fact that you have received VA disability ratings for multiple conditions is not probative of error or injustice in your case, because the VA awards such ratings without regard to the issue of fitness for military duty. As you have not demonstrated that you were unfit for duty at the time of your discharge, 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 PFEIFFER
Executive Director