



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

JRE
Docket No. 04558-03
20 October 2003



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 16 October 2003. 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. In this connection, the Board found that you were discharged from the Marine Corps on 25 September 1992, with your consent, by reason of physical disability due to knee pain that was not responsive to treatment. You were assigned a reentry code of RE-3P, which is the most favorable code authorized for a Marine discharged by reason of physical disability.

The Board considered your statement and the medical evidence you submitted in support of your application insufficient to warrant any corrective action. It noted that your present physical condition, although relevant to the issue of your qualification for reenlistment at this time, is not germane to the issue of the propriety of the reentry code you were assigned in 1992. As

you have not demonstrated that you were fit for duty in 1992, there is no basis for amending your reentry code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board suggests that you visit your local recruiter to determine if waiver consideration is appropriate in your case.

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