



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

JRE
Docket No. 04591-03
20 October 2003

[REDACTED]

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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.

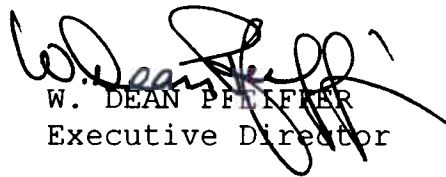
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board rejected your contention that the reason for your separation and your reentry code should be corrected because you "never had a respiratory problem other than the one time and never got a second opinion." The Board found that you were discharged from the Marine Corps because of asthma, a condition, not a disability, interfering with your performance of duty, and you were assigned a reentry code of RE-3P. The discharge was based on your disclosure of a pre-service history of asthma, which persisted after you entered on active duty, and interfered with your performance of duty for an extended period of time. The diagnosis of asthma was substantiated by physical examination, observation of symptoms, spirometry testing, and positive results on a methacholine challenge test. The fact that a private physician found you to

be symptom free more than five years after you were discharged from the Marine Corps was considered insufficient to demonstrate that your discharge was erroneous, particularly since you did provide an accurate report of your longstanding history of pulmonary complaints to the physician.

In view of the foregoing, 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