



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

JRE

Docket No. 08948-09

4 February 2010



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 22 January 2010. 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 enlisted in the Marine Corps on 2 January 2002 and were promoted to corporal effective 1 December 2005. You underwent a pre-separation medical assessment on 7 March 2006. Although you disclosed a history of several medical conditions at that time, none was considered disqualifying for separation. You were voluntarily released from active duty on 1 April 2006 and assigned a reentry code of RE-1A, to indicate that you were eligible and recommended for reenlistment.

Your receipt of disability ratings from the Department of Veterans Affairs following your release from active duty is not probative of the existence of error or injustice in your naval record because those ratings were assigned without regard to the issue of your fitness for military duty at the time of your release from active duty. As you have not demonstrated that you were unfit to reasonably perform the duties of your rank by reason of physical disability on 1 April 2006, the Board was unable to recommend 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