



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

JRE

Docket No. 12878-11

9 October 2012

[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 4 October 2012. 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.

You enlisted in the Marine Corps on 23 February 2009. It appears that your enlistment was fraudulent in that you concealed a disqualifying history of asthma when you applied for enlistment. You disclosed that history during the "Moment of Truth", and reported that you had suffered from asthma throughout your childhood. You were discharged from the Marine

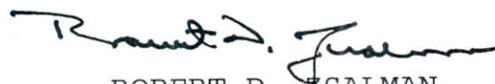
Corps on 15 May 2009 with an uncharacterized entry level separation.

The Board was not persuaded that you were unfit for service by reason of physical disability that was incurred in or aggravated by your 2 months and 23 days of naval service. In addition it noted that you could have been processed for separation by reason of fraudulent entry based on your concealment of what you believed to be a pre-service history of asthma. Your receipt of disability compensation from the Department of Veterans Affairs (VA) is not probative of the existence of error in your naval record because you were awarded that compensation without regard to the issue of your fitness for military duty on 15 May 2009. In addition, it was based on the questionable determination of VA rating officials that because the asthma had not been noted during your pre-enlistment physical examination, that condition must have been incurred during your brief period of active duty service.

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,



ROBERT D. ZSALMAN
Acting Executive Director