



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

[REDACTED]  
Docket No. 4953-17  
NOV 13 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 October 2017. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

A review of your record shows that you entered active duty with the Marine Corps in September 1983. You injured your right shoulder in 1984 and underwent surgery to correct your condition in 1986. That same year, a medical board referred you to the Physical Evaluation Board (PEB) which recommended your separation with severance pay. On 23 March 1987, you were discharged due to a disability, paid \$6998.40 in severance pay, and received a RE-3P reentry code. Post discharge, the Department of Veterans Affairs rated you for a number of service connected disabilities.

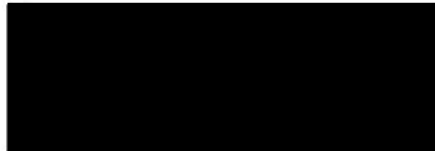
The Board carefully considered your arguments that you deserve to be placed on the disability retirement list based on your RE-3P reentry code. Unfortunately, the Board disagreed with your rationale for relief. The RE-3P reentry code is assigned to Servicemembers who are discharged due to their failure to meet physical/medical standards. All Servicemembers who are discharged as a result of PEB findings of unfitness for continued naval service are assigned the RE-3P reentry code. While the Board concluded that your reentry code indicates you were discharged from active duty for a disability and could qualify for placement on the disability retirement list, they also determined that the assignment of the RE-3P reentry code is not a per se determination that you should have been placed on the disability retirement list. Assignment to the disability

retirement list requires a PEB assigned disability of 30% or greater under Title 10, United States Code, Section 1201. Disability severance pay is authorized under Title 10, United States Code, Section 1203 for Servicemembers assigned disability ratings by the PEB of 20% or less. Your record shows that you were paid disability severance pay which indicated you were assigned a PEB disability rating of less than 30%. This evidence convinced the Board you were properly discharged by the Marine Corps without placement on the disability retirement list. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director