



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

JRE
Docket No: 1267-98
8 September 1999

Dear [REDACTED]

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 2 September 1999. 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 served on active duty from 20 September 1983 to 9 December 1993, when you were discharged by reason of expiration of enlistment. You were assigned a reentry code of RE-1A, to indicate that you were eligible and recommended for reenlistment. On 4 January 1999, the Department of Veterans Affairs (VA) awarded you a 10% rating for a lower back condition.

The Board noted that although you experienced lower back pain from time to time during your career in the Marine Corps, there is no indication that the condition adversely affected your ability to perform your duties. In this regard, it noted that unlike the VA, the military departments may assign disability ratings only in those cases where the service member has been found unfit for duty. As you have not demonstrated that you were unfit for duty at the time of your discharge, it was unable to recommend any 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