



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

JRE  
Docket No: 5933-00  
20 August 2001



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, in which you requested that you be awarded a 30% disability rating for post traumatic stress disorder.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 July 2001. 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 on 8 June 1998, the Physical Evaluation Board (PEB) made a preliminary finding that you were fit for duty. You rejected that finding, and requested reconsideration. The PEB reconsidered and adhered to its initial finding. On 27 July 1998, your request for a formal hearing was denied. You were discharged from the Marine Corps on 6 November 1998, at the completion of your required active service. You were assigned a reenlistment code of RE-1A, to indicate that you were qualified and recommended for reenlistment.

The fact that you have been awarded a Department of Veterans Affairs (VA) disability rating for post traumatic stress disorder was not considered probative of the existence of error or injustice in your record. In this regard, it noted that the VA assigns disability ratings to conditions it classifies as "service connected", without regard to the issue of fitness to perform military duty. The military departments, however, are only permitted to rate those conditions which render a service member unfit for duty. As you have not demonstrated that

you were unfit for duty at the time of your discharge from the Marine Corps, the Board 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