



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

JRE
Docket No: 3201-00
4 April 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 March 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 you served on active duty in the Marine Corps from 16 March 1987 to 24 December 1991, when you were released from active duty at the expiration of your enlistment, and assigned a reenlistment code of RE-1A. Although it was determined during your first few months of service that you had been exposed to a life-threatening pathogen, you performed your duties in a creditable manner for more than three years thereafter, and you were considered fit for duty at the time of your release from active duty. In the absence of evidence which demonstrates that you were unfit to perform your duties at that time, there is no basis for granting 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.

You should note that the Department of Veterans Affairs (VA) may award service connection and disability compensation for conditions incurred in or aggravated by your naval service, without regard to the issue of your fitness for military duty at the time of your release from active duty. There is no statute of limitations on the submission of a claim for VA disability

benefits. In addition, in the even you receive a VA rating, it will reflect any increase in severity of the rated condition(s) which has occurred since your release from active duty..

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