



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

JRE
Docket No: 9976-02
21 January 2003



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 16 January 2003. 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 were discharged from the Marine Corps on 31 March 2001, by reason of physical disability. You were found unfit for duty by the Physical Evaluation Board, acting for the Secretary of the Navy. The Board will change that determination only if it is persuaded that it was erroneous when made, i.e., that you were actually fit for duty at that time. The fact that you have rehabilitated the unfitting condition, and are now fit for duty, is relevant to the issue of your qualification for reappointment, but it is insufficient to demonstrate that you were fit for duty on 31 March 2001. In the absence of evidence showing that you were fit on that date, the Board was unable to recommend any corrective action. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Please note that your discharge does not preclude further service, as you may qualify for further service by obtaining a waiver of your discharge and the disability related thereto.

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