



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

JRE
Docket No. 05765-08
12 September 2008

[REDACTED]

[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. You requested, in effect, that your record be corrected to show that you were discharged by reason of physical disability.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 September 2008. 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.

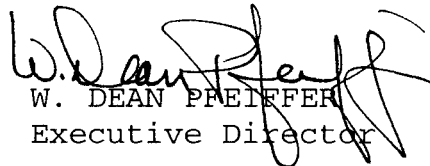
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, the Board found that you enlisted in the Navy on 17 January 2006. You underwent a pre-separation physical examination on 15 November 2007 and were found physically qualified for separation. You were discharged under honorable conditions on 19 December 2007, by reason of misconduct, rather than because of a medical condition as you contend.

In the absence of evidence which demonstrates that you were unfit to reasonably perform the duties of your rank by reason of physical disability, and that your discharge by reason of misconduct is erroneous or unjust, there is no basis for 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.

If you believe that you should have received an honorable discharge, rather than a discharge under honorable conditions, or that the basis for your discharge should be changed from misconduct to a basis other than physical disability, you should submit an application to the Naval Discharge Review Board (NDRB). I have enclosed a DD Form 293 for your use in that regard. You may reapply to the Board for Correction of Naval Records if the NDRB does not grant your 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

Enclosure