



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

JRE
Docket No. 01543-09
5 June 2009



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 May 2009. 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 23 January to 15 February 2008, when you were discharged by reason of fraudulent entry because of your failure to disclose your disqualifying pre-service history of asthma. You were assigned a reentry code of RE-3P.

The Board did not accept your contention to the effect that you did not suffer from asthma before you enlisted. In this regard, the Board found that you signed a "Voluntary Medical Statement" on 31 January 2008 in which you disclosed that you had failed to mention your pre-service history of asthma when you applied for enlistment. In addition, your mother was contacted on or about

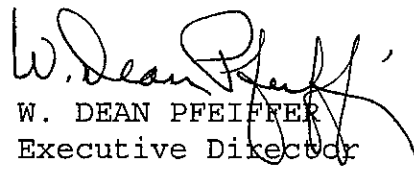
that date and verified that you had suffered from asthma while in high school and been treated with albuterol, a prescription bronchodilator.

As you have not demonstrated that you should have received a more favorable reentry code than RE-3P, and as you were fortunate to have received that code rather than the more appropriate code of RE-4, the Board was unable to recommend 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.

You may request that the Naval Discharge Review Board (NDRB) review the basis for your separation by completing the enclosed DD Form 293 and submitting it to the NDRB.

Sincerely,


W. DEAN PFEIFFER
Executive Director