



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

JRE
Docket No. 04415-09
10 June 2009

[REDACTED]

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 4 June 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.

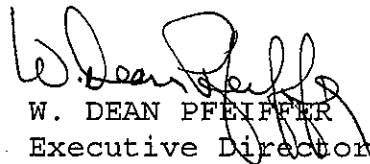
The Board found that you enlisted in the Marine Corps on 4 April 1994. Your enlistment was fraudulent, in that you concealed your history of back injuries and low back pain. On 10 January 1995, a medical board determined that you did not meet the minimum physical standards for enlistment because of your persistent low back pain, and recommended that you be discharged without entitlement to disability benefits. The medical board report also indicates that you were not motivated to continue in the Marine Corps and you felt that you were unable to perform your duties. On 26 January 1995, you waived your right to have your case considered by a physical evaluation board, and requested that you be discharged from the Marine Corps as soon

as possible, without disability benefits. You were discharged on 24 February 1995 in accordance with your request and the approved findings and recommendation of the medical board.

As you have not demonstrated that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your naval service, 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