



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No. 09195-09

7 June 2010

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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 3 June 2010. 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.

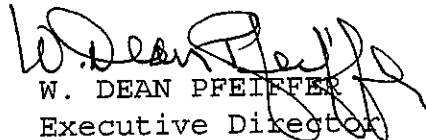
You served on active duty in the Marine Corps from 3 February to 12 March 1993, when you were discharged because of degenerative joint disease of the right shoulder which existed prior to your enlistment and was not aggravated by your service. On 11 August 2005, the Department of Veterans Affairs (VA) awarded you a disability rating of 20% for your shoulder condition, based on the finding that the condition "permanently worsened" as a result of your one month and ten days of naval service.

You were discharged from the Navy without entitlement to disability benefits because Navy officials determined that your preexisting shoulder condition was not aggravated by your service, i.e., increased in severity beyond normal progression during your period of service, there is no basis for granting your request for disability separation or retirement. 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