



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

JRE  
Docket No. 01942-10  
5 April 2010

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 April 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 2 June to 23 July 2009, when you were discharged by reason of fraudulent entry. The facts and circumstances of your separation are not shown in the available records.

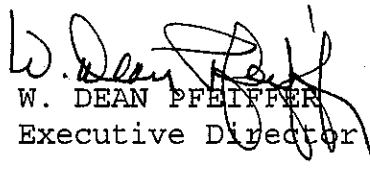
The Board noted that somnambulism is not considered to be a disability under the laws administered by the military departments. As there is no indication in the available records that you were unfit to reasonably perform your military duties by reason of a physical disability that was incurred in or aggravated by your service, there is no basis for granting your

request for correction of your record to show that you were discharged by reason of physical disability. 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 the basis of your discharge should be changed from fraudulent entry to something other than physical disability, such as erroneous entry or convenience of the government, perhaps, you should complete the enclosed DD Form 293 and submit it to the Naval Discharge Review Board.

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