



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

JRE
Docket No. 05362-10
25 March 2011

[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 24 March 2011. 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 18 September 2000 to 17 September 2005, when you were released from active duty at the expiration of your active duty commitment. You were assigned a reentry code of RE-1A to indicate that you were qualified, eligible and recommended for reenlistment. There is no indication in your official military personnel file that you were unable to reasonably perform the duties of your rank at that time.

The Department of Veterans Affairs (VA) granted your request for service connection for posttraumatic stress disorder effective 21 May 2007, and assigned a disability rating of 30% for that condition.

The Board noted that in order for you to become entitled to disability retirement from the Marine Corps you must demonstrate that you were unfit to perform your duties on 17 September 2005 due to a condition or conditions that were ratable at 30% at that time; unfortunately, the Board was not persuaded that you suffered from posttraumatic stress disorder prior to your release from active duty, or that you were unfit for duty because of the symptoms of possible mental disorders you disclosed to a civilian physician on 26 January 2005. Significantly, you did not report those symptoms to military medical authorities prior to your release from active duty. The fact that you have received disability ratings from the VA is not probative of the existence of error or injustice in your case because those ratings were awarded without regard to the issue of your fitness for military duty on the date of your release from active duty.

In view of the foregoing, 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