



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

JRE
Docket No. 06953-10
27 April 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 21 April 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 28 July to 1 October 2008, when you were discharged by reason of fraudulent entry based on your concealment of a pre-service history of asthma.

The Board concluded that the diagnosis of asthma that was made in your case was substantiated by your pre-service use of several asthma medications before you enlisted, as well as your admission to naval medical authorities. The Board noted that you completed a Report of Medical History on 11 January 2008 in which you falsely denied that you had ever been prescribed or used an inhaler. The fact that the pulmonary function testing you underwent several months after

you were discharged did not substantiate a diagnosis of "active asthma" was considered insufficient to demonstrate that you never suffered from asthma, or that your enlistment was not fraudulent.

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