



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

JRE
Docket No: 5190-98
6 May 1999



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 22 April 1999. 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 noted that you were considered "heavy" at enlistment, when you weighed 227 lbs., and obese as early as 1989. You were tested for thyroid hormone deficiency at that time, and found to have normal thyroid function. Although you were diagnosed with hypothyroidism and hypertension several years later, shortly before you were discharged from the Navy for obesity, neither condition was considered disqualifying, and you were considered fit for separation. The Board concluded that the Department of Veterans Affairs (VA) award of disability ratings of 20% for back strain and sciatica, 10% for hypothyroidism and 10% for hypertension is not probative of your contentions of error or injustice because the VA awards ratings such ratings without regard to the issue of fitness for military duty. As you have not demonstrated that you were unfit for duty, 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