



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

JRE
Docket No: 271-01
18 June 2001

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 31 May 2001. 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 in order to qualify for disability retirement or separation from the Navy, a Sailor must be unfit to perform the duties of his office, grade, rank or rating by reason of physical disability. In your case, although you received medical treatment for a number of conditions during your service in the Navy, none precluded you from performing your duties or rendered you unfit for duty at the time of your discharge in 1993. The fact that the Department of Veterans Affairs (VA) awarded you a combined disability rating of 10% effective from 20 September 1996, which was ultimately increased to 40% several years later, is not probative of error or injustice in your case, because the VA assigns ratings without regard to the issue of fitness for military duty.

In view of the foregoing, your application, 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