



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

JRE
Docket No: 1060-01
21 November 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 16 November 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 found that you enlisted in the Navy on 11 March 1993. You underwent a pre-separation physical examination on 12 February 1998, and were found qualified for release from active duty. The examining physician noted that you had suffered from a number of medical conditions during your enlistment, but none was considered disqualifying. You were voluntarily released from active duty on 20 February 1998, and assigned a reenlistment code of RE-1, to indicate that you were eligible and recommended for reenlistment. Effective 21 February 1998, the Department of Veterans Affairs (VA) awarded you disability ratings of 10% for Grave's disease, 0% for gastroesophageal reflux disease with a history of hiatal hernia, and 0% for carpal tunnel syndrome, left wrist. Your combined rating was increased to 20% from 2 November 1999, and 40% from 6 October 2000.

In order to qualify for disability benefits administered by the military departments, a service member must be found unfit to perform the duties of his office, grade, rank or rating by reason of physical disability. Although you suffered from a number of medical conditions during your service, you were considered fit for duty, and could have reenlisted had you so

chosen. The fact that the VA has awarded you substantial disability ratings is not probative of the existence of material error or injustice in your record, because the VA awards disability ratings without regard to the issue of fitness for military service. 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