



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

JRE  
Docket No: 1420-01  
26 November 2001

[REDACTED]

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 25 October 1988. You underwent a pre-separation physical examination on 3 June 1992. The physician who conducted the examination carefully evaluated your medical history and then current medical complaints, and determined that you were fit for separation. You were voluntarily separated from the Navy, at your request, on 24 July 1992. You were assigned a reenlistment code of RE-1, which indicates that you were fully qualified and recommended for reenlistment. On 22 March 1993, the Department of Veterans Affairs (VA) awarded you a combined rating of 40% for migraine headaches, chondromalacia patellae, and a facial scar.

The Board noted that in order for a service member to be separated or retired by reason of physical disability, he or she must be found unfit to perform the duties of his or her office, grade, rank or rating by reason of physical disability incurred in or aggravated by military service. In addition, military disability benefits are intended to compensate service members whose careers are cut short because of their inability to perform their duties. The available records do not demonstrate that you were unfit for duty at the time of your voluntary release

from active duty. As noted above, you were considered fit for duty at that time, and could have reenlisted had you elected to do so. You elected to terminate your active duty career. The fact that the VA has awarded you disability benefits is not probative of the existence of material error or injustice in your naval record, because the VA awards such benefits without regard to the issue of fitness for military duty. 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