



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

JRE
Docket No. 04756-06
20 July 2007

[REDACTED]
NO ADDRESS PROVIDED

[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.

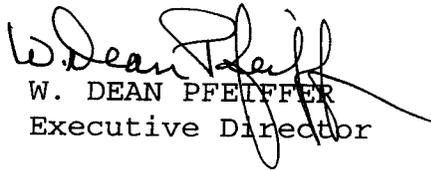
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 July 2007. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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. In this regard, the Board found that although it appears that your elbow and hip conditions were not fully evaluated during your Temporary Disability Retired List (TDRL) periodic physical examination, you have not demonstrated that either condition was unfitting and warranted a disability rating when your name was removed the TDRL and you were discharged with entitlement to disability severance pay. The fact that the Department of Veterans Affairs (VA) continues to rate those conditions is not probative of the existence of error or injustice in your Navy record, because the VA awards disability ratings without regard to the issue of fitness for military duty. In the absence of evidence which establishes that either or both

of those conditions rendered you unfit to reasonably perform the duties of your office, grade, rank or rating, 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 PFELFFER
Executive Director