



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

JRE  
Docket No. 00630-07  
9 May 2008

[REDACTED]

[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 8 May 2008. 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.

Disability separation and retirement are reserved for those cases in which disability caused or contributed to early termination of a service member's career. Although you have a history of numerous medical conditions, none of those conditions was considered disqualifying for separation by the physician who performed your pre-separation physical examination. You were discharged from the Navy because you had exceeded the maximum age for retention on active duty, rather than because of any of your health concerns. The fact that the Department of Veterans Affairs (VA) awarded you disability ratings for seven conditions

is not probative of the existence of error or injustice in your naval record, because the VA acted without regard to the issue of your fitness for military service. The VA rating decision dated 3 February 2006 indicates that your most significant condition, mild tricuspid valve regurgitation, did not cause any functional impairment or time lost from work, which would support a finding of fitness for duty.

As you have not demonstrated that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your naval service, the Board was unable to recommend 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN  
Acting Executive Director