



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

JRE
Docket No. 07560-07
1 July 2008



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 26 June 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.

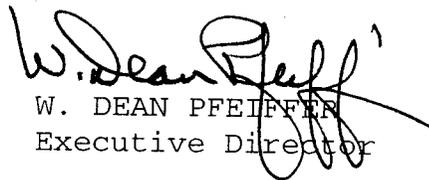
The Board found that you enlisted in the Navy on 15 March 1976. You underwent a pre-separation physical examination on 8 May 1978 and were found qualified for release from active duty and to perform all duties of your rate at sea and on foreign shores. No significant defects were disclosed by your or noted by the physician who conducted the examination, other than your overweight status. You were discharged by reason of a personality disorder on 12 May 1978. Effective the following day, the Veterans Administration (VA) awarded you disability ratings of 10% for mild chronic lumbosacral strain and 0% for

minimal residuals of knee surgery. The ratings were increased to 20% and 10%, respectively, effective 24 August 1988.

Your receipt of disability ratings from the VA is not probative of the existence of error or injustice in your Navy record, because the VA awarded those ratings without regard to the issue of your fitness for military duty on 12 May 1978. As you have not demonstrated that you were unfit to reasonably perform the duties of your office, grade, rank or rating in May 1978 because to the effects of your back and/or knee conditions, there is no basis for granting your request for disability separation or retirement. 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