



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

JRE
Docket No. 08470-07
17 June 2008

[REDACTED]

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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 12 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.

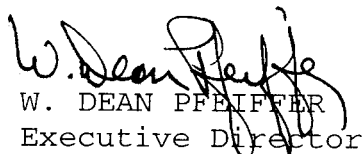
The Board found that you served on active duty in the Navy from 29 November 1994 to 16 October 1998, when you were transferred to the Individual Ready Reserve. You were considered fit for duty at that time. You transferred to the Selected Reserve on 26 October 1999. On 19 January 2000, you complained of a one-month history of weakness. You were ultimately given a diagnosis of renal failure with chronic glomerulonephritis. The Department of Veterans Affairs granted you service connection for that condition effective 3 March 2000, after resolving doubt in your favor, that the condition, although not diagnosed within one-year of your release from active duty, was manifest to a degree

of disability of at least 10% during the one-year presumptive period.

Your contention that your disability was diagnosed while you were on active duty in the Navy Reserve is not substantiated. In the absence of evidence which demonstrates that you were unfit for duty on or before 16 October 1998, or you're your condition was incurred in or aggravated by your service in the Navy Reserve, 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 PFEIFFER
Executive Director