



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

JRE  
Docket No. 09069-07  
1 August 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 31 July 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 were discharged from the Navy on 1 March 2007 due to parasomnia, a sleep disorder which rendered you unsuitable for deployment, but was not considered to be a physical disability. You receive \$15,773.09 in separation pay. In a medical record entry dated 26 April 2007, a Department of Veterans Affairs (VA) contract physician opined that you were "mildly mentally disabled" by the parasomnia, and that you were capable of working on a full-time basis "from a mental health point of view". On 2 August 2007, the VA granted your request for service connection for parasomnia and iliotibial band

syndrome, right knee, and assigned disability ratings of 50% and 10% respectively.

Your receipt of substantial disability ratings from the VA does not demonstrate that you were erroneously discharged from the Navy. In this connection, the Board noted that the VA assigns disability ratings because of the existence of conditions listed in its schedule for rating disabilities, without regard to the issue of fitness for military duty. As you have not demonstrated that your sleep disorder or knee condition rendered you unfit to reasonably perform the duties of your office, grade, rank or rating by reason of physical disability, 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,

  
W. DEAN PFEIFFER  
Executive Director