



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

JRE
Docket No. 09174-07
18 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 14 August 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 honorably discharged from the Navy on 27 July 2004 at the expiration of your enlistment, as extended. Although you suffered from many diseases, injuries and medical conditions during your service, each was carefully evaluated prior to your discharge, and none was considered disqualifying for further service or separation.

The Board concluded that you have not shown that you suffered from any condition or conditions that warranted consideration by a physical evaluation board prior to your separation. It was

apparent to the Board that you wanted to remain on active duty, and would have been capable of performing your duties had you been permitted to reenlist. You attained an individual trait average of 3.57 during the rating period ending on 15 November 2005, and were rated above 10, with 10 and below 10 other Sailors. Your trait average dropped to 2.71 in the report period ending on 24 July 2006, but you received satisfactory ratings in the areas of personal job accomplishment/initiative, quality of work, equal opportunity, teamwork, leadership and professional knowledge. Your reporting senior described you as a competent technician.

Your receipt of substantial disability ratings from the Department of Veterans Affairs (VA) is not probative of the existence of error or injustice in your naval record. In this regard, the Board noted that the VA assigns disability ratings without regard to the issue of fitness for military service. In addition, it appeared to the Board that the majority of the ratings you were assigned by the VA were based on your unverified, subjective complaints of symptoms, rather than objective evidence of impairment.

In the absence of evidence which demonstrates that you were unfit to reasonably perform the duties of your office, grade, rank or rating by reason of physical disability at the time of your discharge, 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