



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

JRE
Docket No. 09581-07
11 August 2008

[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 7 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.

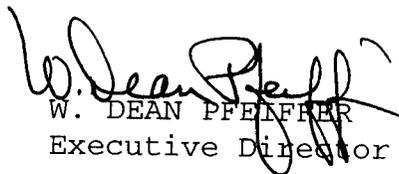
The Board found that you underwent a pre-retirement physical examination on 5 February 1983 and were found physically qualified for transfer to the Fleet Reserve. You were released from active duty on 25 June 1973 and transferred to the Fleet Reserve the following day. In a Department of Veterans Affairs (VA) rating decision dated 17 September 2007, you were granted service connection and a disability rating of 50% for posttraumatic stress disorder effective 3 April 2007. Your previous ratings of 30% for coronary artery disease and 20% for

hypertension were continued. The effective dates for those ratings are not show in the available records.

Your receipt substantial disability ratings from the VA during the twenty-five years following your transfer to the Fleet Reserve 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 duty at the time of separation or retirement. As you have not demonstrated that you were unfit for duty on 25 June 1973, there is no basis for granting your request for disability 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