



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

JRE
Docket No. 09891-07
22 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 21 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 enlisted in the Navy on 11 March 2003. On 4 October 2004, you were found not suitable for operational duty until such time as your elevated blood pressure could be adequately controlled. You were discharged for the convenience of the government on 30 November 2004, without objection from you, due to a condition, not a disability, which interfered you're your performance of duty. On 11 October 2005, the Department of Veterans Affairs (VA) granted your request for service connection for high blood pressure, and assigned a 10% rating for that condition effective 1 December 2004. On 14 September 2007, the VA awarded you a 50% rating for obstructive sleep apnea, effective from 20 February 2007.

In order to be entitled to disability separation or retirement from the naval service, a service member must be unfit to reasonably perform the duties of his office, grade, rank or rating by reason of physical disability. While your record shows that you were operationally unsuitable due to your incompletely controlled high blood pressure, it does not show that you were unfit for duty by reason of physical disability. Your receipt of substantial disability ratings from the VA is not probative of the existence of error or injustice in your naval record, because the VA awarded those ratings without regard to the issue of your fitness for military duty on the date of your discharge from the Navy. 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