



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

JRE
Docket No. 10935-07
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.

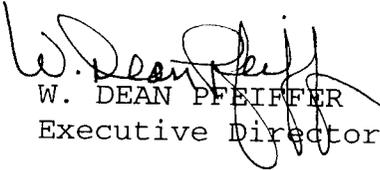
The Board found that you served on active duty in the Navy from 21 March 1994 to 1 November 2002, when you were discharged by reason of physical disability due to residuals of crush injuries to your left hand, which were rated at 20% disabling. On 10 December 2002, the Department of Veterans Affairs awarded you disability ratings of 30% for degenerative changes in the lumbar spine, 20% for left shoulder impingement syndrome, 20% for the residuals of the crush injuries to your left hand, and 0% ratings for three other conditions.

Your receipt of multiple disability ratings from the VA for conditions not rated by the Department of the Navy is not

probative of the existence of error or injustice in your Navy record, because the VA assigned those ratings without regard to the issue of your fitness for military duty. As you have not demonstrated that any of those additional conditions 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 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