



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

JRE

Docket No. 11350-07  
26 September 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 25 September 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.

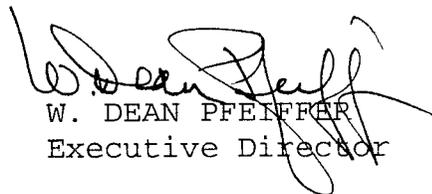
The Board found that on 27 January 1986, the Physical Evaluation Board (PEB) found you unfit for duty due to flexion contracture of two fingers of your left (non-dominant) hand, which it rated at 10% disabling. You requested reconsideration of that finding, and on 26 February 1986, the PEB found you fit for duty. As you continued to complain of pain in your left hand, your case was once again forwarded to the PEB in November 1986. The PEB found you unfit for duty, and assigned a disability rating of 10%. You were discharged by reason of physical disability, with entitlement to severance pay, on 29 December 1986, in accordance with the approved findings of the PEB.

In the absence of evidence which demonstrates that your condition was ratable at or above 30% disabling on 29 December 1986, which was the minimum rating necessary for you to qualify for disability retirement, there is no basis for recommending 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.

The Board suggest that you consider submitting an application to the Department of Veterans Affairs for disability compensation for your hand condition.

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 PFEFFER  
Executive Director