



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

JRE
Docket No. 00064-08
6 October 2008



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 2 October 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 discharged from the Navy on 26 January 2003 by reason of non-retention on active duty. Effective 27 January 2003, the Department of Veterans Affairs (VA) awarded you disability ratings of 30% for total abdominal hysterectomy and 0% for sinusitis, left salpingo-oophorectomy, a scar, and migraine headaches.

The Board concluded that although you suffered from a number of medical conditions during your career in the Navy, you were

considered fit for separation. The fact that you received a combined VA disability rating of 30% effective the day following your discharge is not probative of the existence of error or injustice in your Navy record, because the VA awarded that rating without regard to the issue of fitness for military service. The Board was not persuaded that any of the conditions rated by the VA, or the congenital brain malformation that was diagnosed after you were discharged, rendered you unfit for duty. 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