



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

JRE
Docket No. 04987-08
12 December 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 4 December 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. In addition, it considered the enclosed advisory opinion from the Director, Secretary of the Navy Council of Review Boards dated 18 November 2008.

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. In this regard, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, that portion of your application as pertains to the conditions of posttraumatic stress disorder, tinnitus, ulcer, gout and neuropathy of the right upper extremity, has been denied. Your remaining requests were granted administratively by the Combat Related Special Compensation Board. 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

Enclosure



DEPARTMENT OF THE NAVY
SECRETARY OF THE NAVY COUNCIL OF REVIEW BOARDS
720 KENNON STREET SE STE 309
WASHINGTON NAVY YARD DC 20374-5023

IN REPLY REFER TO

18 November 2008

From: Director
To: Executive Director, Board for Correction of Naval
Records

Subject: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN THE
CASE OF FORMER [REDACTED]

Ref: (a) Your ltr JRE:jdh Docket No. 4987-08 of 5 Nov 08
(b) SECNAVINST 1850.4E
(c) 10 USC 1413a
(d) 38 CFR para 3.307(a)(6)
(e) 38 CFR para 3.309(e)

Encl: Copy of 1850 CRSC ltr dtd 14 November 2008

1. Documents contained in Ref (a) were reviewed in accord with References (b-e).

2. After careful review of the submitted documents, I have determined that the available evidence is sufficient to warrant recommending a partial grant of petitioner's BCNR request by awarding Combat Related designation to the following medical conditions: Diabetes Mellitus Type II and Peripheral Neuropathies of the Left Upper Extremity and both Lower Extremities. Combat Related status was denied for the claimed neuropathy of the Right Upper Extremity and Post Traumatic Stress Disorder due to a lack of supportive evidence. Details are contained in the enclosed copy of the 14 November 2008 Combat Related Special Compensation Board finding letter (originally mailed, directly, to petitioner).

3. In summary, the evidence appears sufficient to warrant recommending a partial grant of petitioner's BCNR request.



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