



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

JRE  
Docket No. 07914-08  
20 July 2009



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 9 July 2009. 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.

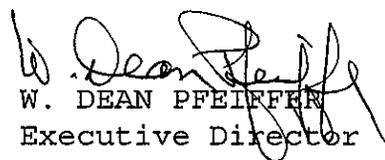
The Board found that you were evaluated by a physical evaluation board (PEB) on 26 January 2001 and found unfit for duty because of bilateral patellofemoral syndrome which was ratable at 10% disabling. A second condition, Grave's disease, was classified as not separately unfitting or contributing to the unfitting knee condition. You accepted the findings of the PEB on 30 January 2001 and were discharged with entitlement to disability severance pay on 15 March 2001. On 4 May 2001, the Department of Veterans Affairs awarded you disability ratings of 30% for

headaches, separate ratings of 10% for bilateral patellofemoral syndrome, hypertension, Graves disease, and an adjustment disorder, and 0% ratings for conditions of your feet, chest and skin.

The Board concluded that 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 assigned those ratings without regard to the issue of your fitness for military duty. As you have not demonstrated that any of the conditions rated by the VA, other than patellofemoral syndrome, rendered you unfit to reasonably perform the duties of your office, grade, rank or rating at the time of your discharge, the Board was unable to recommend 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