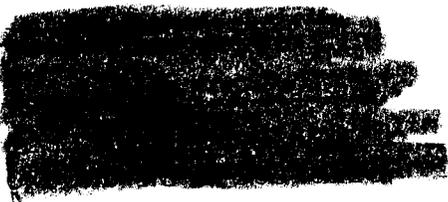
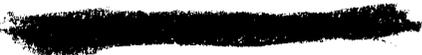




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No. 07993-08
19 March 2009



Dear 

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 5 March 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 enlisted in the Navy on 2 June 1978. You underwent a pre-separation physical examination on 28 May 1982 and were found physically qualified for release from active duty. There is no indication in the available records that you were on medical hold at that time, or that you were in need of further medical treatment or evaluation. You were released from active duty on 1 June 1982 and transferred to the Navy Reserve, where you continued to serve until you completed sufficient service to qualify for retired pay at age 60. On 3 May 2005, 4 April 2007 and 10 April 2008, the Department of Veterans Affairs (VA) denied your requests for service connection for multiple conditions.

The Board noted that it does not have the authority to direct the VA to take favorable action in your behalf. It concluded that in the absence of evidence which demonstrates that you were unfit to reasonably perform the duties of your office, grade, rank or rating by reason of physical disability on 1 June 1982, or that you later became unfit for further service as a result of your service in the Navy Reserve, 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.

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