



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

JRE  
Docket No. 09469-08  
24 August 2009

[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 13 August 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.

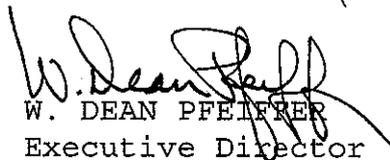
The Board found that you were separated from the Navy on 1 February 2008 pursuant to your request for discharge for the convenience of the government due to a condition, not a disability, which precluded you from further service in submarines. The condition was allergic dermatitis that was caused by a chemical used to tan leather. On 22 April 2008 the Department of Veterans Affairs (VA) awarded you a 30% rating for dermatitis that affected less than 5% of your total skin area. It appears the rating was based on your presumed need for systemic therapy for a total duration of six weeks or more

during the twelve months prior to the effective date of the rating.

The Board concluded that your receipt of a substantial disability rating from the VA is not probative of the existence of error or injustice in your record, because the VA assigns disability ratings without regard to the issue of fitness for military duty. Although you suffered from dermatitis, you were considered fit for duty and could have remained on active duty had you not requested discharge. As you have not demonstrated that you were unfit for further service by reason of physical disability, your application has been denied. 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