



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

JRE  
Docket No. 09521-08  
3 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 23 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 the Physical Evaluation Board (PEB) on 19 May 2006. It made preliminary findings that you were unfit for duty by reason of physical disability due to myofascial pain syndrome rated at 0% disabling. Although the members of the PEB considered you fit for duty in your assignment as a drug and alcohol counselor, they found you unfit for duty because they thought you would be unable to perform the duties of your primary military occupational specialty as an ammunition technician because of your abdominal pain. The PEB determined that the posttraumatic

stress disorder with delayed onset, symptoms in remission, was not unfitting and did not contribute to the unfitting condition. You accepted the preliminary findings of the PEB on 31 May 2006, and were discharged with entitlement to disability severance pay on 15 July 2006. On 15 May 2007, the Department of Veterans Affairs granted you a combined disability rating of 80% for thirteen conditions. The combined rating was increased to 90% on 6 December 2007 and 100% on 22 April 2008. All ratings were effective from 16 July 2006, the day following your discharge.

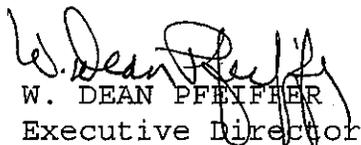
The Board was not persuaded that the myofascial pain syndrome was ratable above 0% disabling at the time of your separation from the Marine Corps, as it does not appear that there was more than minimal impairment associated with that condition. It was unable to conclude that you were unfit for duty due to posttraumatic stress disorder, which was in remission. The rating you received from the VA for posttraumatic stress disorder was apparently based on the increase in severity of that condition that occurred after you were discharged. In this regard, the Board noted that your final fitness report and other performance indicia demonstrate that you performed your duties in an outstanding manner until you were discharged. Your receipt of disability ratings from the VA for numerous conditions that were not evaluated or rated by the PEB 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, and you have not demonstrated that any of those conditions rendered you unfit to reasonably perform your military duties.

In view of the foregoing, 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