



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

JRE  
Docket No. 10128-08  
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.

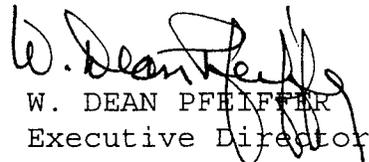
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 December 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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.

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 connection, it concurred with the determination of the Combat Related Special Compensation Board of 21 July 2004 that your asbestosis condition is not combat-related. The Board was not persuaded that the condition was incurred under the circumstances specified in your application. The Department of Veterans Affairs granted you service connection for that condition after resolving doubt in your behalf and concluding that it resulted from cumulative exposure to asbestosis over your career. The VA determination that the condition is "Service Connected, World War II, Incurred", merely indicates that VA rating officials believe that your first in-

service exposure to asbestos occurred during World War II. It does not mean that it was incurred in combat. In any case, as asbestosis is considered to be an industrial hazard, rather than an instrumentality of war, under the CRSC program guidance, there is no basis for granting your request. 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