



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

JRE
Docket No. 11339-08
24 November 2009

[REDACTED]

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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 19 November 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.

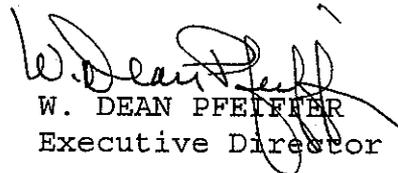
The Board found that you were evaluated by the Physical Evaluation Board on 3 March 2008 and were found fit for duty despite your condition of foot and ankle pain. As you were not considered suitable for submarine service due to your continued complaints of pain, you were discharged on 31 July 2008 due to a condition, not a disability, that interfered with your performance of duty. On 22 October 2008, the Department of Veterans Affairs (VA) awarded you a combined disability rating of 80% for irritable bowel syndrome, gastroesophageal reflux disease and hiatal hernia; generalized anxiety disorder; Raynaud's syndrome, bilateral, feet; degenerative disc disease

of the thoracolumbar spine; flat feet; a painful right ankle; and hypertension.

The Board concluded that your receipt of disability ratings from the VA for numerous conditions 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. In the absence of evidence which demonstrates that you were unfit for duty on 31 July 2008, 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