



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

JRE  
Docket No. 00295-09  
8 April 2010



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 8 April 2010. 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.

You appeared before a medical evaluation board (MEB) on 14 September 2007. The MEB established diagnoses of chronic left scapholunate ligament tear, right de Quervain tenosynovitis, right wrist ganglion cyst, and right acromioclavicular joint arthritis, and recommended that your case be referred to the Physical Evaluation Board (PEB). The PEB considered your case on 8 November 2007 and found you fit for duty. It reconsidered and confirmed the finding of fitness on 8 January 2008. You were released from active duty and discharged on 2 July 2008. Effective 3 July 2008, the Department of Veterans Affairs (VA) awarded you separate disability ratings of 0% for nine

conditions; 10% for cervical strain, left wrist fusion, right wrist tendonitis, and degenerative changes of the left ankle; 20% for lumbosacral strain; and 50% for sleep apnea. The VA denied your request for service connection for six other conditions.

Your receipt of disability ratings from the VA 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 as of 2 July 2008. Although the Board acknowledged that you suffered from numerous medical and orthopedic conditions during your naval service, and that you were not capable of performing some of your duties, it was not persuaded that you were unfit for duty, i.e., unfit to reasonably perform the duties of a second class hospital corpsman. The Board concluded that you could have been continued to serve in a highly creditable manner had you not been considered administratively unsuitable for further service due to grade and length of service considerations.

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