



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

JRE  
Docket No. 03122-09  
26 October 2009



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 22 October 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.

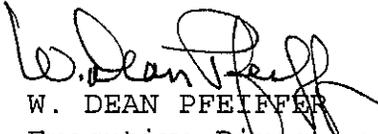
The Board found that you were released from active duty on 30 September 1974 and transferred to the Temporary Disability List with a 30% rating for sarcoidosis. You were reevaluated on 16 December 1975 and found to be in good health, with essentially normal lung function. Your condition was well controlled, with only rare occasions of shortness of breath and an occasional need for medication. After reviewing the report of that examination, the Physical Evaluation Board found you fit for duty on 22 January 1976. As you declined the opportunity to reenlist, you were discharged on 22 March 1976 without entitlement to disability benefits administered by the Department of the Navy. The Department of Veterans Affairs (VAO

awarded you a 30% rating for sarcoidosis effective 1 December 2007, .

The Board did not accept your unsubstantiated contention to the effect that you were much more severely impaired by your lung condition than is indicated by the results of the examination conducted on 16 December 1975 or the finding of fitness made by the PEB. The fact that the VA awarded you a disability rating for your condition more than thirty years after you were discharged is not probative of the existence of error or injustice in your naval record because that rating reflects the severity of your condition in 2007 rather than in 1976, when it was largely asymptomatic. 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