



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

JRE  
Docket No. 06924-09  
1 October 2010

[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. Your application was considered as a request for correction of your record to show that you were permanently retired by reason of physical disability due to ulcerative colitis and pancreatitis.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 September 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.

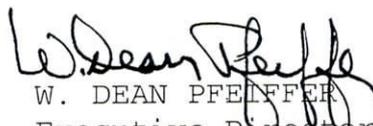
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You served on active duty in the Navy from 1 April 1971 to 28 March 1973, when you were transferred to the Temporary Disability Retired List with a 30% rating for inflammatory bowel disease. The rating was decreased to 10% effective 5 December 1978, and you were discharged with entitlement to disability severance pay. The Department of Veterans Affairs (VA) has rated your condition of "inflammatory bowel disease, probably ulcerative colitis" at various times at 10 and 30%, as the severity of your condition waxes and wanes.

There is no authority for adding the words "acute pancreatitis" and "colitis" to your DD Form 214, and it does not appear that any useful purpose would be served by doing so as both of those conditions are documented in your naval health record. Accordingly, and as you have not demonstrated that your disability was ratable at or above 30% disabling as of 5 December 1978, 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