



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

JRE
Docket No. 08205-09
11 December 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 10 December 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.

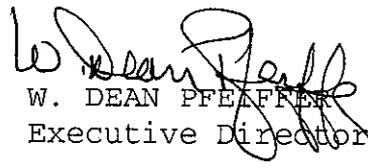
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, the Board concurred with the finding of the Combat Related Special Compensation (CRSC) Board of 17 March 2009 that the cause of your diagnoses could not be determined, and that you have not demonstrated that your disabilities are combat-related. In addition, the Board noted that you sought treatment for weakness in your legs in October 1983; you complained of leg weakness in 1989 after hitting the top of your head as you were entering an automobile; you completed a Report of Medical History on 25 February 1991 in which you did not disclose a history of significant head or back

injuries; and that there is no contemporaneous record of the trauma you sustained in 1985 during a general quarters exercise. The Board also noted that the combat-related finding made by the Physical Evaluation Board (PEB) in 1993 relates to the issue of the taxability of your retired pay rather than your eligibility for CRSC and is not binding on the CRSC Board or the Board for Correction of Naval Records.

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