



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

JRE
Docket No: 12710-09
3 August 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 July 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 were discharged by reason of physical disability in 1999 pursuant to the approved findings of the Physical Evaluation Board (PEB) dated 23 June 1999 that your condition of immune thrombocytopenia was unfitting and ratable at 0% disabling.

The possibility that that an unfitting condition may increase in severity following a service member's discharge is insufficient to demonstrate that the member is entitled to disability retirement vice separation with entitlement to disability severance pay. It appears that you were discharged rather than retired because your condition was asymptomatic when your case was finalized, and was properly rated at 0%. As you have not demonstrated that you were entitled to a higher disability rating at that time, the Board was unable to recommend

any 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