



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

JRE
Docket No. 03672-10
14 February 2011



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 February 2011. 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 21 October 1997 to 29 March 2007, when you were voluntarily discharged by reason of completion of required active service. You were assigned a reentry code of RE-R1 to indicate that you were fully qualified and recommended for further service and not suffering from any disqualifying medical conditions.

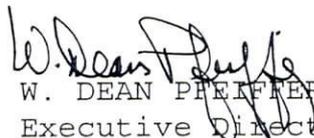
The Board concluded that your receipt of disability ratings from the Department of Veterans Affairs (VA) for a number of conditions that were incurred during your service is not probative of the existence of error or injustice in your naval record because the VA awarded those ratings without regard to the issue of your fitness for military duty at the time of your discharge. In the absence of evidence which

demonstrates that you were unfit to reasonably perform the duties of your office, grade, rank or rating on 29 March 2007, the Board was unable to recommend approval of your request for correction of your record to show that you were retired by reason of physical disability. In addition, the Board was not persuaded that it would be in the interest of justice for it to create a record of unspecified medical treatment you contend you underwent "while stationed in Korea".

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