



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

JRE  
Docket No. 04272-10  
16 July 2010



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. You requested, in effect, that your record be corrected to show that you were separated or retired by reason of physical disability.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 May 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. In this regard, the Board found that you discharged due to the effects of an adjustment disorder, which rendered you unsuitable for further service, but did not render you unfit for duty by reason of physical disability. The fact that the Department of Veterans Affairs (VA) granted your request for service connection for a mental disorder is not probative of the existence of error or injustice in your naval record because the VA determination was made without regard to the issue of our fitness for military duty. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider your request for correction of your separation code, as you have not exhausted an available administrative remedy by applying to the Naval Discharge Review Board. A DD Form 293 is enclosed for your use in that regard.

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