



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

JRE
Docket No. 04539-10
28 May 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 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.

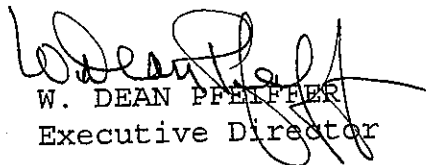
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Although you suffered from an intestinal disorder during your service in the Navy, that disorder was not considered to be unfitting when you were released from active duty and transferred to the Retired List on 1 July 1996. The fact that the Department of Veterans Affairs (VA) assigned a disability rating of 0% to your intestinal disorder effective the day after you were released from active duty, and assigned a disability rating of 0%, is not probative of the existence of error or injustice in your naval record because it does not establish that you were unfit for military duty on 30 June 1996. It is important to note that the VA assigns disability ratings without regard to the issue of a veteran's fitness for military duty at the

time of his separation or retirement, whereas the military departments assign disability ratings only in those cases where a service member has been found unfit to reasonably perform the duties of his office, grade, rank or rating. 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