



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

JRE  
Docket No. 04901-10  
21 March 2011

[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 17 March 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 completed a Report of Medical History on 27 October 2009 in which you disclosed a history of numerous medical conditions, symptoms and concerns, as well as your use of a CPAP machine for a "sleep problems". Each of the foregoing was evaluated and found not disqualifying for naval service. You underwent a physical examination on that date and were found physically qualified for separation. You were discharged on 28 October 2009 at the expiration of your enlistment, and assigned a reentry code of RE-1A, to indicate that you were qualified and eligible for reenlistment at that time. Following your discharge, you submitted an application to the Department of Veterans Affairs (VA) in which you requested "service connection" and disability compensation for multiple conditions. On 7 December 2009, the VA granted you disability ratings of 40% for

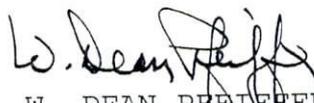
post concussion syndrome, 30% for upper airway resistance, separate 10% ratings for tinnitus, lumbar strain, hiatal hernia with gastroesophageal reflux disease, grinding your teeth, and varicose veins left and right legs, and 0% ratings for five other conditions, as well as special monthly compensation for loss of use of a creative organ. The VA denied your request for service connection for four conditions.

Your receipt of disability ratings from the VA is not probative of the existence of error or injustice in your naval record because the VA assigned those ratings without regard to the issue of your fitness for naval service as of 28 October 2009. As you have not demonstrated that any of the conditions rated by the VA, either alone or in combination with other conditions, rendered you unfit to reasonably perform the duties of your office, grade, rank or rating at the time of your discharge. As indicated above, you were considered qualified for reenlistment and apparently could have reenlisted had you wanted to. In addition, your evaluation reports strongly suggest that you were physically qualified to perform your assigned duties.

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 PREIFFER  
Executive Director