



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

JRE
Docket No. 05600-10
28 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 24 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 served on active duty in the Navy from 28 December 1962 to 28 December 1966, when you were released from active duty and transferred to the Naval Reserve. You were not eligible for advancement to pay grade E-4 on the latter date because you had received nonjudicial punishment on 22 December 1966, and were reduced to pay grade E-2. On 8 October 2008 the Department of Veterans Affairs (VA) denied your request for service connection and disability compensation for burns and a hernia. Although the VA acknowledged that you had sustained burns and undergone a hernia operation while you were on active duty in the Navy, it denied your request for service connection for those conditions because neither was symptomatic in 2008.

In view of the foregoing, and as you have not demonstrated that you were unfit for duty by reason of physical disability at the time of your release from active duty, 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