



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

JRE  
Docket No. 08454-10  
9 June 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 2 June 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.

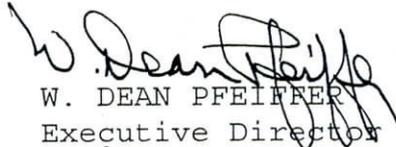
You underwent a physical examination on 16 September 1997 in connection with your transfer to the Fleet Reserve. Although you disclosed a fairly extensive history of illness and injury at that time, you were found physically qualified for duty. The Department of Veterans Affairs (VA) awarded you a combined disability rating of 30% from 1 September 1998, and 40% from 18 March 2002, for arthritis of the right knee and left shoulder, lumbar strain, and pseudofolliculitis barbae.

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 duty at the time of your transfer to the Fleet Reserve. The Board noted that although the VA must rate all conditions that are incurred in or aggravated by a veteran's service, the military departments may assign disability ratings only in those cases where a service member has been found unfit for duty. Accordingly, and as there is no indication in the available records that you were unfit to reasonably perform your duties at the time of your transfer to the Fleet Reserve in 1998, 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