



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

JRE
Docket No. 11150-10
5 August 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 4 August 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 20 August 2008 to 30 April 2009, when you were discharged for the convenience of the government because of the effects of an adjustment disorder, a condition not considered a disability under laws administered by the military departments. Effective 1 May 2009, the Department of Veterans Affairs (VA) assigned disability ratings of 10% for tinnitus and 0% for bilateral hearing loss, and denied your requests for service connection for a mental disorder and chronic skin irritation.

Your receipt of disability compensation from the VA for tinnitus is not probative of the existence of error or injustice in your naval

record because the VA acted without regard to the issue of your fitness for military duty on 30 April 2009. In the absence of evidence which demonstrates that the tinnitus rendered you unfit to reasonably perform the duties of your rate by reason of physical disability at the time of your discharge, the Board was unable to recommend favorable action on your request. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board noted that the narrative reason for separation shown in your DD Form 214 is incorrect. You were discharged by reason of a condition, not a disability, rather than "MENTAL CONDITIONS" as is shown in the DD Form 214. You should contact the Commander, Navy Personnel Command, ATTN: Pers-312F, 5720 Integrity Drive, Millington, Tennessee 38055-3120 to request correction of the DD Form 214.

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