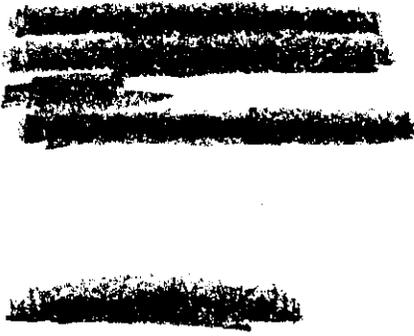




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No. 11220-10
4 August 2011



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.

The Board was not persuaded that you were unfit for duty by reason of physical disability on 12 February 1992 due to any condition other than your painful flat feet for which you received disability severance pay. The fact that the Department of Veterans Affairs (VA) awarded you separate ratings of 10% for asthma from 13 February 1992, headaches from 12 April 1996, and allergic rhinitis from 7 October 1996, as well as 70% for posttraumatic stress disorder from 30 August 2004, is not probative of the existence of error or injustice in your Navy record because you have not demonstrated that any of those conditions rendered you unfit for duty when you were discharged in 1992. You should note that while the VA may add disability ratings at any time following a veteran's release from active duty, fitness

and rating determinations made by the military departments are fixed as of the date of a service member's separation or permanent retirement from the service.

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 PFEIFFER
Executive Director