



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

JRE
Docket No: 2046-01
24 September 2001



Dear [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 20 September 2001. 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 noted that although you were found to have mild hypertension and a slightly elevated blood glucose level on your pre-separation physical examination, you were considered physically qualified for separation. There is no indication in the available record that either of those conditions, or your bursitis, rendered you unfit to perform the duties of your office, grade, rank or rating, which is a prerequisite to the disability retirement or separation of a service member. The fact that the Department of Veterans Affairs (VA) awarded you a combined disability rating of 40% is not probative of error or injustice in your record, because the VA assigns ratings without regard to the issue of fitness for military service. In addition, the VA rating decision indicates that your rated conditions are no more than minimally disabling, and that two of the four appear to be related to your excessive body weight, which is controllable. The Board did not consider your request for further consideration of your previous request for correction of your record to show that you were retired under the Temporary Early Retirement Authority, or that you were transferred to the Retired Reserve, because you did not submit any new material evidence regarding those requests. Accordingly, 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