



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

JRE
Docket No: 6569-00
1 June 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 26 April 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 found that you entered on active duty in the Navy on 11 January 1966. You underwent a pre-separation physical examination on 8 September 1969, and were found fit for release to inactive duty. You did not disclose any conditions you felt rendered you unfit for further service at that time, and no such conditions were noted by the physician who conducted the examination. You were released from active duty on 26 September 1969. You submitted a claim for disability benefits to the Veterans Administration (VA) on 22 February 1972. You stated that the claim was for a "Nervous Condition" for which you had not received any treatment while in the service. Your claim was denied on 1 March 1972. You received a 30% rating for post traumatic stress disorder effective from 26 February 1991, and of 100% from 6 July 1993.

The Board noted that the VA rates all conditions it classifies as "service connected", that is, incurred in, aggravated by, or traceable to a period of service or other service connected condition. It may add ratings throughout a veteran's lifetime, and may raise or lower ratings as the degree of severity of rated conditions changes over time. The military department,

however, may assign ratings only in those cases where the service member is unfit to perform the duties of his office, grade, rank or rating at the time service is terminated. Ratings are fixed as of the date of separation or permanent retirement. As you have not demonstrated that you were unfit for duty on 26 September 1969 because of the effects of post traumatic stress disorder or any other condition, the Board was unable to recommend that your record be corrected to show that you were retired by reason of physical disability. Your contention that you were awarded the Purple Heart is unsubstantiated, and it was rejected by the Board.

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