

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

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Docket No. 04057-04
28 March 2005

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 24 March 2005. 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. In this connection, the Board concurred with the determination of the Combat Related Special Compensation Branch (CRSCB), Naval Council of Personnel Boards, now the Secretary of the Navy Council of Review Boards (SNCRB), that you have not demonstrated that your spinal conditions, high blood pressure and depression are combat-related. The Board noted that a medical record entry dated 2 December 1981, while you were assigned to the ■■■■■■■■■■, indicates that you experienced neck and shoulder pain with heavy lifting. There is no indication that you sustained a traumatic injury to your neck or lower back at that time, as you allege. In addition, the Board noted that even if your back and neck disabilities were to be classified as combat-related, your depressive disorder would not, because major depression is not a condition that is typically causally related to an injury. The Board was unable to conclude that your disabilities are the direct result of armed conflict, were incurred while you were engaged in hazardous service or the performance of duty under conditions simulating war, or were caused by an instrumentality of war.

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,