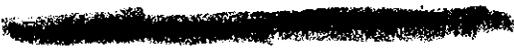




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100 JRE

Docket No. 04587-09
22 March 2010



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 18 March 2010. 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 entered on extended active duty on 30 January 2006. On 12 October 2007 the Physical Evaluation Board found you fit for duty. On 19 February 2008, you were found psychiatrically fit for full duty. You were released from active duty on 16 April 2008 and assigned a reentry code of RE-R1, which indicates that you were qualified and recommended for further service at that time. An Evaluation Report and Counseling Record (E1-E6) which covers the 22 July 2008-15 March 2009 period indicates that you performed your duties in a creditable manner during that period, to include a thirty-day period of active duty service. You achieved an individual trait average of 3.00 and were classified as "promotable" along with six of your peers. On 12 March 2009, the Department of Veterans Affairs (VA) awarded you a combined

disability rating of 90% for posttraumatic stress disorder, bilateral knee conditions, a condition of your lumbar spine, plantar fasciitis with sore feet, asthma, gastroesophageal reflux disease, and carpal tunnel syndrome.

Your receipt of substantial disability ratings from the VA is not probative of the existence of error or injustice in your record because the VA assigned those ratings without regard to the issue of your fitness for naval service as of the date of your release from active duty. As you have not demonstrated that you were unfit to reasonably perform the duties of your grade by reason of physical disability on 16 April 2008, the Board was unable to recommend any corrective action in your case. 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