



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

JRE
Docket No. 08132-09
30 March 2010

[REDACTED]

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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.

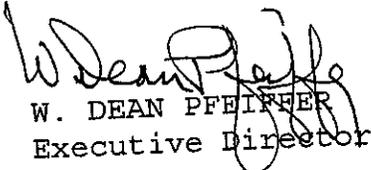
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You underwent a pre-separation physical examination on 7 July 1992. Although several minor abnormalities were noted by the examining physician, none was considered to be disqualifying for further service, and you were medically cleared for separation. On 8 July 1992, you were voluntarily released from active duty pursuant to your request, to receive a special separation bonus.

The recent decision of the Department of Veterans Affairs (VA) to grant you disability compensation for a service-incurred injury is not probative of your contention that should have been separated or retired by reason of physical disability, because the VA awarded that compensation without regard to the issue of your fitness for naval service prior to your release from active duty in 1992. In the absence of evidence which demonstrates that you were unfit to reasonably perform the duties of your rank, there is no basis for recommending 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