



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

JRE

Docket No. 11694-09
8 January 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 7 January 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. In this regard, it found that you underwent a pre-separation physical examination on 18 November 1999 and disclosed a history of numerous medical conditions and complaints, each of which was evaluated by the physician who conducted the examination. All of the conditions and complaints were classified as "NCD", i.e., not considered disqualifying for service or separation. You were voluntarily discharged on 22 November 1999 and assigned a reentry code of RE-R1, to indicate

that you were qualified for further service and recommended for preferred reenlistment.

The Board concluded that your receipt of disability compensation from the Department of Veterans Affairs (VA) for several conditions is not probative of the existence of error or injustice in your naval record because the VA assigns such ratings without regard to the issue of fitness for military service. As you have not demonstrated that you were unfit for duty at the time of your discharge, the Board was unable to recommend 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