



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

JRE
Docket No. 01405-10
18 January 2011

[REDACTED]

[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 6 January 2011. 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.

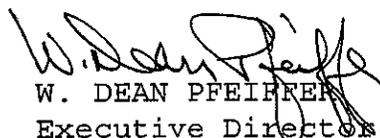
On 5 January 2006, the Physical Evaluation Board found you fit for duty notwithstanding your history of several heart conditions, mild restrictive lung disease and obesity (approximate body fat percentage of 50%). On 3 February 2006, the Director, Naval Council of Personnel Boards, denied your request for a formal hearing. You received an evaluation report and counseling record on 19 March 2006 which covers the 16 March 2005-15 March 2006 period. Your individual trait average was 4.0, and you were ranked among your peers in the "Must Promote" category. In addition, you were recommended for retention. You were honorably discharged on 12 July 2006 at the expiration of your enlistment.

In order to establish your entitlement to disability retirement or separation, you must demonstrate that you were unfit to reasonably

perform the duties of your office, grade, rank or rating by reason of physical disability. Although you suffered from significant congenital cardiac conditions, it does not appear that you were unfit for duty at the expiration of your enlistment. That you were not permitted to reenlist, that you were considered non-deployable, and that you received substantial disability ratings from the Department of Veterans Affairs following your discharge, were considered insufficient to demonstrate that your discharge was erroneous or unjust. 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