



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

JRE
Docket No. 11518-10
19 August 2011

[REDACTED]

Dear [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 18 August 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.

You enlisted in the Navy on 29 August 2000. It appears that you enlistment was fraudulent in that you failed to disclose a potentially disqualifying history of recurrent skin ulceration. On 31 March 2003 the Physical Evaluation Board (PEB) found you fit for duty notwithstanding your condition of recurrent aphthous ulcers/ stomatitis. You were honorably discharged for the convenience of the government on 15 August 2003. On 16 December 2003 the Department of Veterans Affairs (VA) awarded you a combined rating of 40% for an adjustment disorder, the disease which caused the stomatitis/ulcers, and anemia related to the treatment therefor.

Your receipt of disability compensation from the VA is not probative of the existence of error or injustice in your naval record because the VA made that award without regard to the issue of your fitness for military duty. In addition, adjustment disorders, although ratable by the VA, are not considered to be a disability by the military departments. Accordingly, and as you have not demonstrated that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your naval service, 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