



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

JRE
Docket No: 851-01
14 November 2001



Dear 

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 25 October 2001. 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.

The Board found that although you suffered from numerous conditions during your naval service, there is no indication that any of them rendered you unfit to perform the duties of your office, grade, rank or rating by reason of physical disability at the time of your release from active duty and transfer to the Fleet Reserve. You described your health as "Fair" when you underwent your pre-retirement physical examination, and indicated that you were not taking any medication. It does not appear that you advised the examining physicians of any conditions you thought rendered you unfit for duty. The fact that you have received substantial disability ratings from the Department of Veterans Affairs (VA) is not probative of the existence of error or injustice. In this regard, the Board noted that the VA awards disability ratings without regard to the issue of fitness for military service, whereas the military services rate only those conditions which render a service member unfit for duty.

In view of the foregoing, 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