



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

JRE
Docket No: 1171-01
3 December 2001



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 1 November 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 concluded that the Physical Evaluation Board conducted a fair, impartial and complete review of pertinent records prior to determining that you were fit for duty. The Board rejected your contention to the effect that you were reassigned from your normal duties because of the effects of your various medical complaints. In this regard, it noted that you were transferred from a position with predominately administrative duties, to one which was more physically demanding. You performed well in the new assignment, as reflected in your report of fitness for the 16 September 1998-31 January 1999 period. That report indicates, among other things, that you had been personally selected as the only housing inspector for more than 300 housing units; that you served in the capacity of a senior chief petty officer, and that you greatly exceeded standards in the trait of military bearing, which includes physical fitness component. There is no indication in that report, or in the previous three reports, that any of your longstanding physical conditions hindered you in the performance of your duties. The naked assertion of your former commanding officer that you had been reassigned out of your specialty because of your medical conditions was not persuasive evidence of your alleged unfitness for duty. The fact that the Department of

Veterans Affairs (VA) has granted you a substantial disability rating is not probative of error or injustice in your naval record, because the VA assigns disability ratings without regard to the issue of fitness for military duty. 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