



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

JRE
Docket No: 5647-00
4 September 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 30 August 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 you served on active duty in the Navy from 13 September 1961 to 8 September 1963, and 7 December 1963 to 5 December 1966. There is no indication in the available records that you were unfit for duty when released from active duty, or that you suffered from any significant medical conditions. The fact that the Department of Veterans Affairs (VA) granted you service connection for a pulmonary condition more than thirty years after you were released from active duty is not probative of your contention that you were disabled when released. The VA must rate all conditions incurred in or aggravated by military service, and may add and adjust ratings throughout a veteran's lifetime. The military departments, however, may assign disability ratings only in those cases where the service member has been found unfit for duty, and ratings are fixed as of the date of separation or permanent retirement. 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