



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

JRE
Docket No: 7078-00
18 September 2001

[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 13 September 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 from 14 May 1990 to 13 May 1994, when you were voluntarily released from active duty. You were assigned a reenlistment code of RE-R1, to indicate that you were fully qualified and recommended for reenlistment. Although you apparently developed a fungal infection and varicose veins during your enlistment, neither condition rendered you unfit to perform your duties, and would not have precluded your reenlistment had you opted to reenlist. The fact that the Department of Veterans Affairs (VA) has awarded you disability ratings for those conditions is not probative of the existence of error or injustice in your naval record, because the VA awards disability ratings without regard to the issue of fitness for military duty. As you have not demonstrated that you were unfit on 13 May 1994, the Board was unable to recommend any corrective action in your case. 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