



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

JRE
Docket No: 1149-02
26 August 2002

[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 15 March 2002. 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 underwent a pre-separation physical examination on 2 March 1998, and were found physically qualified for separation. You did not disclose any disqualifying defects at that time, and the examining physician did not find any. The fact that you have received a substantial disability rating from the Department of Veterans Affairs (VA) is not probative of the existence of error or injustice in your naval record. In this regard, the Board noted that the VA must rate all conditions it classifies as "service connected", that is, incurred in, aggravated by, or merely traceable to a period of military service. Ratings are awarded without regard to the issue of fitness for military service. The military departments are permitted to rate only those conditions which render a service member unfit for duty. As you have not demonstrated that you were 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, 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