



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

JRE

Docket No. 08032-07

29 July 2008



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 24 July 2008. 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 enlisted in the Navy on 4 October 2000. On or about 14 September 2005, after completing a period of limited duty and being found fit for duty, you were found not physically qualified for submarine and nuclear field duty. The disqualification was based on your chronic shoulder pain and the use of psychotropic medications to treat that pain. On 3 January 2006, the Bureau of Naval Personnel directed your commanding officer to process you for separation for the convenience of the government by reason of a condition not a disability. On 4 January 2006, after being advised of your

rights in connection with the proposed separation action, you waived the right to consult with counsel and to submit a statement or other matters to the separation authority. On 13 January 2006 you were honorably discharged for the convenience of the government by reason of a condition, not a disability. On 18 July 2006, the Department of Veterans Affairs (VA) granted your request for service connection for right shoulder strain, degenerative joint disease of the thoracolumbar spine, and right shoulder scars, and assigned a combined disability rating of 10%. The VA denied your request for service connection for chronic sinusitis.

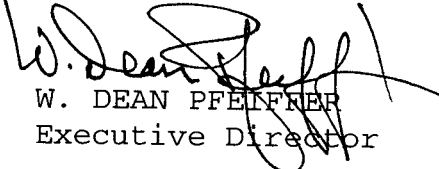
The Board concluded that your receipt of a combined disability rating of 10% from the VA does not demonstrate that your discharge from the Navy by reason of a condition, not a disability, is erroneous or unjust. In this regard, the Board noted that the VA awards service connection and assigns disability ratings without regard to the issue of fitness for military duty. In addition, the Board noted that physical disqualification from special duties or assignments, such as assignment to the nuclear field, does not, in itself, render a service member unfit for duty. As you have not demonstrated that you were unfit reasonably perform the duties of your office, grade, rank, or rating, there is no basis for granting your request for correction of your record to show that you were separated by reason of physical disability. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider your implied request for correction of your record to show that you are not indebted for the unearned portion of your selective reenlistment bonus. That request will be considered by another panel of the Board upon receipt of an advisory opinion from the Chief of Naval Personnel. The staff of the Board will advise you of the disposition of that request by separate correspondence.

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