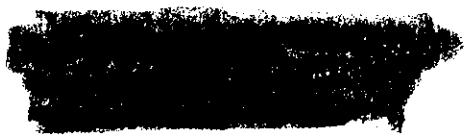




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No. 10754-09
5 April 2010



This is in reference to your application for correction of your late uncle's 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 April 2010. 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 uncle's naval record and applicable statutes, regulations and policies.

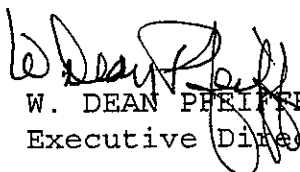
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Your uncle served on active duty from 11 August 1944 to 10 July 1946, and was recalled to active duty on 27 February 1951. He underwent a pre-separation physical examination on 23 June 1952 and was found qualified for separation. He was released from active duty and honorably discharged on 26 June 1952. On 9 February 1965 the Veterans Administration (VA) denied his claim for service connection for schizophrenia because his service record did not indicate that he suffered from a mental disorder during his periods of naval service. The denial was confirmed in a VA rating decision dated 20 December 2007.

Your unsubstantiated contentions to the effect that your uncle had a nervous breakdown while on active duty, and that he was unfit for duty because of his exposure to asbestos, are not probative of the existence of error or injustice in his naval record. In the absence of evidence which demonstrates that he was unfit to reasonably perform the duties of his rate by reason of physical disability when he was released from active duty and discharged in 1952, the Board was unable to recommend any corrective action in his 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