



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

JRE
Docket No. 01189-10
1 October 2010

[REDACTED]

[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 September 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 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. In this regard, the Board was unable to find any basis for correcting your record to show that you were exposed to various harmful substances at unspecified times during your naval service, or that you were unfit for duty by reason of physical disability due to posttraumatic stress disorder when you were released from active duty in 1989. 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

paranoid traits. On 7 May 2009, the Department of Veterans Affairs (VA) awarded you disability ratings of 30% for major depressive disorder, 10% for tinnitus, 10% for gastroesophageal reflux disease, and 0% for a right knee condition, for a combined rating of 40% effective 24 June 2008, the date of your original claim.

The Board was not persuaded that you were unfit for duty by reason of physical disability on 12 December 2006, when you were discharged for the convenience of the government. Your receipt of substantial disability ratings from the VA is not probative of the existence of error or injustice in your naval record because the VA assigned those ratings without regard to the issue of your fitness for military duty at the time of separation. Accordingly, and as you have not demonstrated that it would be in the interest of justice to permit you to retain the unearned portion of your reenlistment bonus, 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