



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX JRE

WASHINGTON DC 20370-5100

Docket No. 02530-10
18 January 2011

[REDACTED]

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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 6 January 2011. 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.

On 18 November 2009 and 4 January 2010, the Physical Evaluation Board (PEB) made the preliminary finding that you were fit for duty notwithstanding a post-surgical condition of your right shoulder rotator cuff. On 22 January 2010, the President, PEB, acting for the Secretary of the Navy, formally determined that you were fit for duty. You were released from active duty on 19 March 2010 by reason of completion of required service.

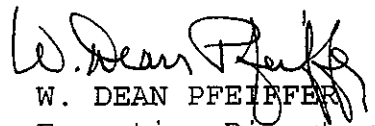
The Board concluded that the existence of a condition of your left shoulder did not provide a basis for the PEB to find you unfit for duty ON 18 November 1989 or 4 January 2010, when it found you fit for duty as to the right shoulder condition, because the condition of your left shoulder had not been referred for consideration by the PEB. In the absence of evidence which demonstrates that the PEB

erred when if found you fit for duty, the Board was unable to recommend that the findings of the PEB be reversed. If you believe you require medical care for your left shoulder, or that it should be considered by the PEB, you should pursue those matters through your unit of assignment and normal medical channels.

In view of the foregoing, 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