



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

JRE  
Docket No. 06501-10  
15 April 2011

[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 14 April 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.

The Physical Evaluation Board (PEB) considered your case by formal hearing on 12 January 1994 and determined that you were unfit for duty by reason of physical disability due to degenerative arthritis of your right shoulder and degenerative spinal disc disease, rated at 0 and 20% respectively. The PEB also determined that your bilateral carpal tunnel syndrome (CTS) was not unfitting or ratable. You were discharged by reason of physical disability on 22 March 1994 with entitlement to disability severance pay. Effective 23 March 1994, the Department of Veterans Affairs (VA) awarded you disability ratings of 20% for the spinal disc condition, 10% for CTS of each wrist, 50% for a total hysterectomy with removal of ovaries and

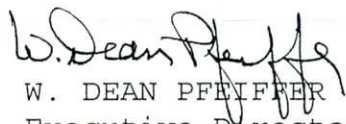
fallopian tubes, and 0% for two other conditions. Your combined VA rating was 70% effective 23 March 1994.

The Board concluded that your receipt of a combined rating of 70% from the VA effective the day following your discharge is not probative of the existence of error or injustice in your naval record. In this regard, the Board noted that the VA assigned that rating without regard to the issue of your fitness for duty as to the bilateral the carpal tunnel syndrome and total hysterectomy. Although 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, the military departments rate only those conditions which render a service member unfit for duty at the time of separation or contribute to an unfitting condition and warrant a separate rating. You have not demonstrated that the CTS or hysterectomy rendered you unfit to reasonably perform your duties at the time of your discharge. The Board noted that in a rating decision dated 27 November 2000, VA rating officials concluded that there was no evidence that your hysterectomy affected your ability to maintain employment.

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