



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

JRE
Docket No: 5195-98
23 August 1999

Dear [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 19 August 1999. 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 on 19 October 1995, the Record Review Panel of the Physical Evaluation Board made preliminary findings that you were unfit for duty because of a condition of your left great toe, which it rated at 10%. You accepted those findings on 12 October 1995, and were discharged on 28 November 1995 with entitlement to disability severance pay.

The Board was not persuaded that you suffered from any additional conditions which rendered you unfit for duty, or contributed to the unfitness caused by your toe condition. The fact that the Department of Veterans Affairs (VA) has awarded you service connection and substantial disability ratings for numerous conditions is not probative of your contentions of error and injustice, because the VA awards such ratings without regard to the issue of fitness to perform military duty. 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