



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

JRE
Docket No: 4031-98
7 June 1999

Dear [REDACTED]

This is in reference to your request for further consideration of 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, reconsidered your application on 27 May 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. The new evidence, which was provided by the Department of Veterans Affairs (VA), relates to the VA's action of 27 August 1997 awarding you a 50 percent rating for post traumatic stress disorder effective from 28 July 1991.

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 concluded that the action of the VA of 27 August 1997 is not probative of error or injustice in your case. In this regard, the Board noted that unlike the military departments, the VA may award disability compensation without regard to the issue of fitness for military service. The Board was not persuaded that you suffered from post traumatic stress disorder prior to your voluntary release from active duty in 1991, or that you were unfit for duty because of that or any other condition. Accordingly, it adhered to its original decision, and denied your application. 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