



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

JRE
Docket No: 5715-01
8 February 2002



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 25 January 2002. 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 27 August 1998, the Physical Evaluation Board (PEB) convened to review a medical board dated 16 June 1998, which had given you diagnoses of chondromalacia and arthralgia of the right knee, and major depression. The PEB determined that you were fit for duty, notwithstanding those diagnoses, and the Chief of Naval Personnel was requested to take appropriate action to continue you on active duty. You were discharged for the convenience of the government on 24 March 2000, due to a condition, not a disability, interfering with your performance of duty. The discharge was based on the finding that although you were fit for duty, you were unsuitable for sea duty.

The fact that the Department of Veterans Affairs (VA) granted you service connection for several conditions was not considered probative of the existence of error or injustice in your naval record. In this regard, the Board noted that the VA grants service connection and assigns disability ratings without regard to the issue of fitness for military duty. As you have not demonstrated that you were unfit for duty because of your orthopedic conditions or depressive disorder, the Board was unable to recommend any corrective action in your case.

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