



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

JRE  
Docket No: 3604-98  
20 July 1999



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 10 June 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 you were discharged by reason of physical disability on 10 June 1986, with entitlement to disability severance pay, due to chest pain with non-cardiac etiology and mitral valve prolapse. On 13 November 1986, the Veterans Administration (VA) awarded you a 10% rating for acne vulgaris and 0% for a facial burn, and denied service connection for ten additional claimed disabilities. On 24 January 1997, the VA awarded you service connection and a 0% rating for mitral valve prolapse effective 11 June 1986. On 3 November 1998, the rating for that condition was increased to 10%.

In the absence of evidence which demonstrates that you suffered from a disability or disabilities ratable at 30% or higher at the time of your discharge from the Navy in 1986, the Board was unable to recommend any corrective action in your case. The recently reported increase in symptomatology associated with your mitral valve prolapse is immaterial, because military disability ratings are fixed as of the date of separation or permanent retirement, absent evidence of material error or injustice, and action by the Board. 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