



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

BJG
Docket No: 1591-01
27 June 2001

CM [REDACTED] USNR
[REDACTED]
[REDACTED]

Dear Petty Officer [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. You requested Naval Reserve retirement credit for 18 April 1997 to 28 April 1999.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 June 2001. 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. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 16 May 2001, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosure

Copy to:
The Honorable Jo Ann Emerson

1591-01



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-913
16 May 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Via: Assistant for BCNR Matters, PERS-00ZCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF
CM2 [REDACTED], USNR, [REDACTED]

Ref: (a) Title 10, U.S.C. 1552
(b) BUPERSINST 1001.39(series)

Encl: (1) BCNR File 4679-00

1. Enclosure (1) is forwarded with the following comments and recommendations:

a. We do not support [REDACTED]' petition. A review of his record indicates that Chief, Bureau of Medicine and Surgery found him not physically qualified for retention in the Naval Reserve on 2 July 1997. The Chief of Naval Personnel concurred with those findings on 10 July 1997. On 6 May 1998 Naval Reserve Center, Cape Girardeau requested a review of his status by the President, Physical Evaluation Board. The President, Physical Evaluation Board found [REDACTED] Physically Qualified for retention in the Naval Reserve on 21 April 1999. He was returned to drill pay status on 28 April 1999. There does not appear to be any intentional or undue delay in processing [REDACTED] determination of physical qualification.

b. Per reference (b) [REDACTED] was authorized to actively participate via correspondence courses to earn retirement points while in a not physically qualified status.

2. Additional questions may be directed to [REDACTED] at [REDACTED]

[REDACTED]

Director, Naval Reserve Personnel
Administration Division