



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

JRE
Docket No: 2816-01
26 December 2001



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 6 December 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.

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 29 January 1982, the Physical Evaluation Board made preliminary findings that you were unfit for duty because of three conditions rated at a combined 10%. It recommended that you be discharged with entitlement to disability severance pay. On 7 February 1982, you declined to request retention on active duty until such time as you completed twenty years of active service and qualified for transfer to the Fleet Reserve. You accepted the findings of the Physical Evaluation Board, and waived your right to a formal hearing. You were discharged with entitlement to disability severance pay 11 June 1982, in accordance with the approved findings of the Physical Evaluation Board.

The Board rejected your unsubstantiated contention to the effect that you were not properly advised of your rights during the course of your disability evaluation processing. In the absence of evidence which demonstrates that you were entitled to a combined disability rating of 30% or higher at the time of your discharge, 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