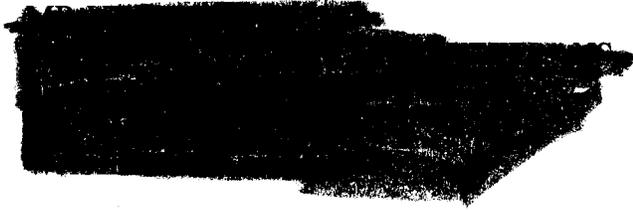




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 4853-99
30 August 2000



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 17 August 2000. 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 noted that you were found fit for duty by a hearing panel of the Physical Evaluation Board (PEB) on 3 October 1985. That finding was based in large part on your sworn testimony to the effect that you were no longer disabled, and that you were capable of participating in vigorous physical activities, such as playing tennis, doing calisthenics and lifting heavy weights. In addition, you testified that you had won a tennis tournament, and spent 12 to 13 hours driving an automobile to the hearing site without experiencing any back pain. Your present contention to the effect that your back was severely impaired at that time, and that you testified falsely about your physical capacity in a misguided effort to reenlist in the Marine Corps was considered insufficient to warrant correcting your record to show that you were retired by reason of physical disability. 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