



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

JRE
Docket No: 8010-00
20 August 2001



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 26 July 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 Commander, Navy Personnel Command, dated 21 June 2001, a copy of which is attached, and your rebuttal thereto.

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



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-821
21 Jun 2001

From: Commander Navy Personnel Command (PERS-821)
To: 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
SM1 [REDACTED] USN(RET), [REDACTED]

Ref: (a) Pers-COZCB ltr 5420 of 31 May 01

1. In reply to reference (a), this office does not support Mr. [REDACTED] request to be placed on active duty in a medical hold status.
2. Mr. [REDACTED] requested to be transferred to the Fleet Reserve effective 30 September 2000 which was subsequently granted. Personnel are required to undergo a physical examination to identify disqualifying medical conditions prior to transfer to the Fleet Reserve. Mr. [REDACTED] was transferred to the Fleet Reserve effective 30 September 2000 as requested.
3. The Physical Evaluation Board has never received a medical board for adjudication through the Disability Evaluation System in the case of Mr. [REDACTED]
4. This office recommends Mr. [REDACTED] utilize other medical care programs afforded to military service retirees in the pursuit of continued medical care.
5. If I can be of any further assistance, I can be reached at [REDACTED]

[REDACTED]