



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

JRE
Docket No: 72-01
28 February 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 15 February 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 you served on active duty in the Navy from 13 January 1976 to 18 April 1977, when you were released from active duty and transferred to the Temporary disability Retired List (TDRL) because of a seizure disorder. You were discharged for the convenience of the government on 6 January 1986, due to your failure to report for a final periodic physical examination. Your discharge was without entitlement to disability benefits administered by the Department of the Navy.

The Board was not persuaded that there was just cause for your failure to undergo a final periodic medical examination, or that your discharge for the convenience of the government was improper. In addition, the available evidence is insufficient to demonstrate that you remained unfit for duty on 12 January 1981, when your entitlement to retired pay expired by operation of law. 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