



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

JRE
Docket No: 3352-00
21 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. You request, in the alternative, that your disability rating be increased to 100%, or that your reenlistment code be corrected to show that you were fit for reenlistment at the time of your transfer to the Retired List, and that you were qualified for a commissioning program.

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. In this regard, the Board was not persuaded that your disability was ratable above 30% disabling at the time of your permanent retirement in 1981. The fact that the Department of Veterans Affairs presently rates your condition as 100% disabling is not probative of your contention that the condition should have been rated at 100% by the Department of the Navy in 1981. As you were clearly unfit for duty at the time of your release from active duty in 1976, there is no basis for correcting your record to show that you were fit for reenlistment at that time, or to show that you are physically qualified for a commissioning program. 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