



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

JRE
Docket No. 08114-02
7 August 2003



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 7 August 2003. 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.

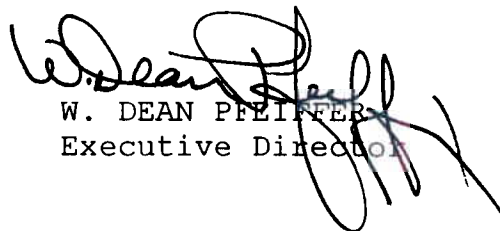
The Board found that you reenlisted in the Navy on 31 January 1991. You were released from active duty on 25 February 1994, and transferred to the Temporary Disability Retired List (TDRL) the following day, with a disability rating of 30%. You were permanently retired by reason of physical disability on 26 February 1999, with a disability rating of 100%.

The Board noted that once a member has been transferred to the TDRL, his disability rating is fixed until such time as he is found fit for duty, discharged, or permanently retired by reason of disability. Absent evidence of material error or injustice in connection with the completion of your disability evaluation,

there are no provisions of law that would permit the assignment of an earlier effective date of your permanent retirement and 100% rating. 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