



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

JRE
Docket No: 8863-02
17 December 2002

[REDACTED]

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 12 December 2002. 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 were released from active duty on 16 December 1994 and transferred to the Temporary Disability Retired List (TDRL). On 31 January 1997, the Chief of Naval Personnel advised you that you would be permanently retired by reason of physical disability effective 1 February 1997, with a disability rating of 40%.

The Board noted that a DD Form 214 is issued only upon a service member's release from active duty. As you were not released from active duty on 1 February 1997, you were not issued a new DD Form 214 at that time. There is no basis for correcting the form you were issued on 16 December 1994 to show that you were permanently retired on that date, rather than transferred to the TDRL.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

A copy of the 31 January 1997 letter from the Chief of Naval Personnel is attached. I

apologize for the poor copy, but it is the best available. I suggest you attach it to your DD Form 214.

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