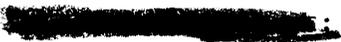




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No. 00480-06
2 April 2007



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, in which you requested that your record be corrected to show that your name was not removed from the Temporary Disability Retired List, and that you were permanently retired by reason of physical disability.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 March 2007. 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.

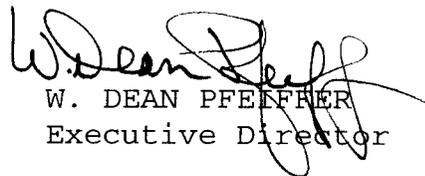
The Board found that you served on active duty in the Navy from 13 August 1986 to 14 October 1987, when you were discharged by reason of physical disability due to a conversion disorder that was rated 10% disabling. On 27 May 2004, you submitted an application for correction of your naval record to show that you

were assigned a reentry code more favorable than the code of RE-4 you received on 4 November 1988. You stated that you wanted the code changed so that you could reenlist in the National Guard. The Board granted your request on 28 October 2004.

As you were not transferred to the Temporary Disability Retired List (TDRL) in 1988, as you allege, there is no basis for the Board to restore your name to the TDRL. In the absence of evidence which demonstrates that your mental disorder should have been rated at 30% or higher at the time of your discharge, the Board was unable to recommend any corrective action in your case. 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