



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

JRE  
Docket No. 00032-08  
21 November 2008



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 14 November 2008. 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 1 August 1991 to 21 August 1996, when you were transferred to the Temporary Disability Retired List because of a seizure disorder. On 22 April 2003, the Department of Veterans Affairs awarded you a disability rating of 20% for the seizure disorder. On 15 November 2004, your case was administratively closed by the Navy Personnel Command because of your failure to undergo a final periodic examination. Your name was removed from the TDRL on 7 April 2007.

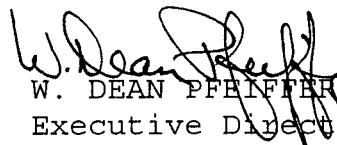
The Board carefully considered your unsubstantiated contention to the effect that you did not "receive anything stating I had to report" and that "if I had known I would have reported", but

found it insufficient to warrant restoring your name to the TDRL. The Board noted that you would not be entitled to retired pay even if your name were to be restored to the TDRL, as your statutory entitlement to that pay ended on the fifth anniversary of your transfer 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.

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