



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

JRE  
Docket No. 00080-09  
24 August 2009

[REDACTED]

[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 13 August 2009. 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.

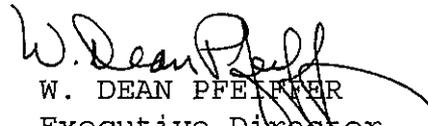
The Board found that you initially enlisted in the Navy on 3 September 1968. You underwent a pre-separation physical examination on 26 December 1979 and were found fit for separation. You were honorably discharged on 5 January 1980. On 1 July 2008, the Department of Veterans Affairs awarded you a 0% rating for status post ureterolithotomy effective 29 July 2002.

The Board carefully considered your contention to the effect that you were found not physically qualified for commissioning in 1986, but found it insufficient to demonstrate that you were unfit for duty and entitled to medical separation or retirement

in 1979. In this regard, the Board noted that a former service member who attempts to reenter the military service after a substantial break in service must meet procurement physical standards, which are more stringent than the retention standards that you met when you were examined on 26 December 1979. Accordingly, and as you have not demonstrated that you were unfit for duty on 5 January 1980, 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