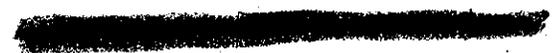




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No. 05573-09  
26 October 2009



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, in effect, that your record be corrected to show that you completed twenty years of active duty service.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 October 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.

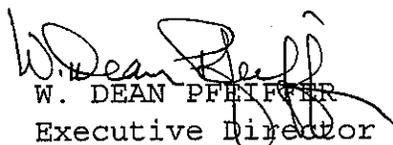
The Board found that on 14 February 1997, the Physical Evaluation Board (PEB) made preliminary findings that you were unfit for duty due to a heart condition that was rated at 60% disabling. You accepted that finding on 25 February 1997, and you were released from active duty on 27 August 1994 and transferred to the Temporary Disability Retired List (TDRL), having completed 19 years, 8 months and 20 days of active duty

service. Thereafter, you were permanently retired by reason of physical disability with a 60% rating.

The Board concluded that although you were released from active duty approximately three months before you would have completed 20 years of active duty service, you have not demonstrated that it would be in the interest of justice for the Board to grant you active duty service credit for service you did not perform. 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