



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

JRE  
Docket No. 08534-09  
19 February 2010

[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 19 February 2010. 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.

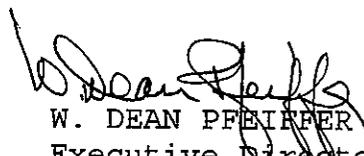
You served on active duty from 29 July 1966 to 28 July 1968, when you were released from active duty and transferred to the Navy Reserve. Pursuant to the action of the Board dated 15 November 1977, your record was corrected to show that you were transferred to the Temporary Disability Retired List (TDRL) effective 28 July 1968, with a disability rating of 30%, and that you were discharged with entitlement to disability severance pay on 1 February 1970, with a disability rating of 10%. Your condition was rated at 10% disabling by the Veterans

Administration from 29 July 1968 to 18 March 1976, when it was increased to 40%.

In the absence of evidence which demonstrates that your disability was ratable at or above 30% disabling on 1 February 1970, there is no basis for correcting your record to show that you were retired by reason of physical disability vice discharged. 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