



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

JRE
Docket No. 10630-09
11 December 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 10 December 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 served on active duty in the Navy from 24 February 1984 to 2 March 1988, when you were released from active duty and transferred to the Temporary Disability Retired List. You were permanently retired by reason of physical disability effective 3 March 1993.

The Board was not persuaded that you should have been permanently retired by reason of physical disability in 1988, vice transferred to the TDRL at that time and permanently retired five years later. Accordingly, there is not basis for

recommending any corrective action in your case, and your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Enclosed is a copy of a letter dated 23 November 1993 which notified you of your permanent retirement by reason of physical disability. I suggest you attach a copy to your DD Form 214 to preclude any misunderstanding or confusion your employer may have concerning your status in the Navy.

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