



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

JRE  
Docket No. 04381-10  
22 February 2011

[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 17 February 2011. 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.

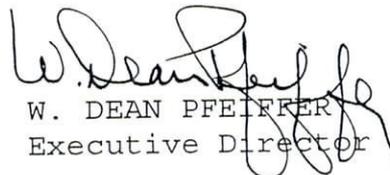
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You were recalled to active duty on 16 November 2001 and served until 28 June 2003, when you were released from active duty by reason of completion of required active service. You were assigned a reentry code of RE-R1, which indicates that you were fully qualified and recommended for reenlistment. You received evaluation reports with ending dates of 2 June 2003, 15 November 2003, 15 November 2004 and 15 November 2005. Each of those reports indicates that you met applicable physical readiness standards during the rating period. You were transferred to the Retired Reserve effective 1 August 2006 pursuant to your request.

Your receipt of disability ratings from the Department of Veterans Affairs (VA) was not considered probative of the existence of error or injustice in your naval record. In this regard, the Board found that the VA assigned those ratings without regard to the issue of your fitness for duty on 28 June 2003. In the absence of evidence which demonstrates that you were unfit for duty by reason of physical disability on that date, the Board was unable to recommend favorable action on your request. 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