



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

JRE  
Docket No: 2335-00  
28 June 2001



Dear [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 7 June 2001. 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 were released from active duty on 2 November 1995 and transferred to the Temporary Disability Retired List (TDRL) the following day, with a combined disability rating of 30% for residuals of injuries to your lower extremities. Your disabilities were reevaluated by the Physical Evaluation Board (PEB) on 23 September 1999. It made preliminary findings that your disabilities were ratable at a combined 20%. Two attempts were made to notify you of those findings by certified mail, but you apparently did not receive either notice. In accordance with provisions of the Disability Evaluation Manual, your acceptance of the preliminary findings was presumed upon the expiration of 15 calendar days after attempted unsuccessful delivery of the certified mail to your last known address. The PEB finalized your case for the Secretary of the Navy on 15 November 1999, and you were discharged with entitlement to disability severance pay.

In the absence of evidence which demonstrates that you were entitled to a disability rating of 30% or higher at the time of your discharge from the Navy, the Board was unable to recommend any corrective action in your case. 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