



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

WMP

Docket No: 3798-02
5 September 2002

[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 4 September 2002. 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, 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 enlisted in the Navy on 5 August 1986 for four years. Your prior active service consisted of about 18 months of service in the Air Force from August 1974 until February 1976 and more than two years of service in the Army National Guard from December 1981 until February 1984.

Your record shows that a medical board was convened on 5 November 1986 and you were diagnosed with bilateral posterior tibial tendonitis with medial tibial syndrome. On 14 November 1986, the medical board report was completed and forwarded to the Central Physical Evaluation Board (CPEB) for disability evaluation. You were advised of the contents of the medical board report, but declined the opportunity to submit a statement in rebuttal.

On 30 January 1987 the CPEB found you unfit for duty and directed your discharge due to a physical disability, that existed prior to entry on active duty. Accordingly, on 13 February 1987 you received an entry level separation and were assigned an RE-3G reenlistment code.

Regulations authorize the issuance of an entry level separation to individuals with prior active military service who are separated after a break in service of more than 92 days. Accordingly, the entry level separation you received on 13 February 1987 was appropriately issued due to the fact that your last period of service ended in February 1984. 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