



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

JRE
Docket No: 8117-01
24 May 2002

[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 2 May 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, 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 25 February 1985 to 10 October 1986, when you were released from active duty and transferred to the Temporary Disability Retired List with a rating of 100% for Burkitt's lymphoma. You underwent a periodic physical examination on 1 May 2001, and it was determined that the lymphoma was in complete remission; subsequently, you were found fit for duty, and offered the opportunity to reenlist. As you declined the offer, you were administratively discharged from the Navy on 17 June 1993.

In order to be separated or retired from the Armed Forces by reason of physical disability, a service member must be unfit to perform the duties of his office, grade, rank or rating. There is no indication in the available records that you were unfit for duty on 17 Jun 1993. The actions of the Social Security Administration of 28 June 1998, and the Department of Veterans Affairs of 15 June 2001, are insufficient to demonstrate that your discharge in 1993 was erroneous. 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