



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

JRE  
Docket No: 9278-02  
14 November 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.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 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 were evaluated by a medical board on 20 September 2000, and given a diagnosis of right tibia/fibula fracture, surgically treated, with residual complications. On 17 October 2000, you certified that you had been advised of the findings and recommendation of the medical board, and stated that you did not intend to submit a statement in rebuttal thereto. On 15 December 2000, the Physical Evaluation Board (PEB) made preliminary findings that you were unfit for duty because of the aforementioned condition, which it rated at 10%, and recommended that you be discharged by reason of physical disability, with entitlement to severance pay. You accepted the findings of the PEB on 3 January 2001, and you were discharged by reason of physical disability on 1 February 2002.

The Board concluded that in view of your acceptance of the findings of the PEB, the issue of whether or not you submitted a statement in rebuttal to the findings of the medical board is immaterial. As you have not demonstrated that the determination of the PEB in your case was erroneous or unjust, the Board was unable to recommend any corrective action.a

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