



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

JRE

Docket No. 02956-03  
3 August 2003



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 July 2003. 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 in the Navy on 30 April 1977 and transferred to the Temporary Disability Retired List (TDRL) because of a lower back condition. You underwent a periodic physical examination on 17 October 1978. You were found to have essentially full range of motion in your back without pain, and no measurable atrophy in your left thigh or calf. You reported having occasional stiffness that loosened up with activity, and you had been physically active. On 15 December 1978, the Central Physical Evaluation Board made a recommended finding that you were fit for duty. That finding was approved by the Secretary of the Navy on 23 January 1979, and you were notified that your name

would be removed from the TDRL, and you would be discharged from the Navy. You were also advised that you would be permitted to reenlist provided your physical condition remained essentially the same; you were qualified in all other respects; and you consented to reenlistment. It does not appear that you applied for reenlistment until early 1983. Your condition had apparently worsened in the interim, and you stated that your health was poor. In addition, you were required to meet more stringent fitness standards because of the length of time that had elapsed since your discharge. As a result of those factors, you were not considered physically qualified for enlistment, and were denied reenlistment.

The Board was not persuaded that you were unfit for duty at the time of your discharge in 1979, as it does not appear that your condition was not productive of significant impairment. In addition, you could have reenlisted had you applied therefor in a timely manner. The fact that you were denied reenlistment in 1983 is not probative of the existence of error or injustice in your record, because, as indicated above, your physical condition had deteriorated in the interim, and you did not meet the more stringent enlistment physical standards that were applicable at that time.

In view of the foregoing, 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