



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

JRE
Docket No. 11887-08
14 August 2009



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 6 August 2009. 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.

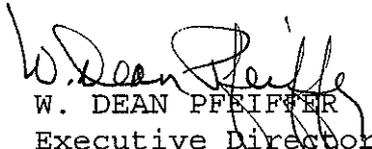
The Board found that if it were to correct your record to show that you were permanently retired by reason of physical disability on 29 June 2003 rather than transferred to the Temporary Disability Retired List (TDRL), you would be indebted to the government because you were paid at the 50% rate while on the TDRL, but would have been entitled to payment at the 30% rate had you been permanently retired at that time. In addition, the Board found that as you did not serve on active duty after you were transferred to the TDRL in 2003, you are not

entitled to a DD Form 214 for the period from 30 June 2003 to 1 April 2008. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

If you are concerned about explaining the gap between your transfer to the TDRL and your permanent retirement, you should attach a copy of your permanent retirement orders to your DD Form 214.

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