



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

JRE  
Docket No. 02130-09  
14 April 2010

[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 8 April 2010. 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.

You underwent a pre-retirement physical examination on 1 September 1999. Although you were noted to have a history of hypertension and hypothyroidism, neither of those conditions was considered disqualifying for further service or retirement. You were released from active duty on 31 January 2000 and transferred to the Fleet Reserve the following day. The Department of Veterans Affairs (VA) awarded you disability ratings of 10 percent for hypertension and hypothyroidism effective 1 February 2000.

Your receipt of disability ratings from the VA is not probative of the existence of error or injustice in your Navy record because you were awarded those ratings without regard to the issue of your fitness for military duty as of the date of your release from active duty. As you have not demonstrated that you were unfit to reasonably perform the duties of your office, grade, rank or rating by reason of physical disability prior to your transfer to the Fleet Reserve, there is no basis for correcting your record to show that you were retired by reason of physical disability. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Your request for correction of the spelling of your surname on your DD Form 214 is administrative in nature and should be submitted to the Commander, Navy Personnel Command, for action.

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