



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

JRE
Docket No. 13060-11
9 October 2012

[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 4 October 2012. 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.

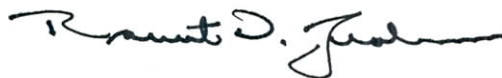
On 15 June 1995, the Record Review Panel of the Physical Evaluation Board made preliminary findings that you were unfit for duty due to mechanical low back pain which was ratable at 10. You accepted those findings on 26 Jun 1995 contingent upon your being retained on active duty until 1 August 1995. The contingency was accepted, and you were discharged from the Navy

by reason of physical disability on 1 August 1995, with entitlement to disability severance pay.

You were not entitled to retirement under the Temporary Early Retirement Authority program because you had not completed 15 years or more of active service as of the date of your discharge from the Navy. You were not entitled to transfer to the Temporary Disability Retired List or to be permanently retired by reason of physical disability retirement because your disability was not ratable at 30% or higher. 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,



ROBERT D. ZSALMAN
Acting Executive Director