



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

HD:hd
Docket No: 00427-01
12 July 2001

LT [REDACTED] NR RET
[REDACTED]
[REDACTED]

Dear Lieuten[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. You requested correction of your naval record to reflect promotion to lieutenant effective 1 September 2000. You have been promoted to lieutenant effective 16 April 2001, the date of your transfer to the Temporary Disability Retirement List (TDRL).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 July 2001. 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. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 18 April 2001, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion in concluding that under title 10, United States Code, section 1372, you were correctly promoted as of the date of your transfer to the TDRL. In view of the above, 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

Enclosure

427-01



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-85
18 Apr 01

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: L [REDACTED], USNR, [REDACTED]

Ref: (a) USC 10 Sec. 1372
(b) USC 10 Sec. 624

Encl: (1) BCNR File

1. Enclosure (1) is returned.
2. [REDACTED] was selected to Lieutenant by the FY-00 Active Duty Lieutenant Staff Promotion Selection Board, yet due to injuries sustained in the line of duty was not physically qualified to hold the rank of Lieutenant. The member is currently on the temporary ~~duty~~ retirement list (TDRL).
and disability
3. Per ref (a), the member is entitled to the grade of Lieutenant once placed on the TDRL. Recommend the member be promoted to Lieutenant with a date of rank of 16 Apr 01 in accordance with ref (b).



BCNR Liaison, Officer Promotions
and Enlisted Advancements Division