



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

JRE  
Docket No: 4466-01  
21 November 2001

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 16 November 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.

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 noted that you did very well while on the Temporary Disability Retired List (TDRL), and were free from significant residuals of your brain tumor or the treatment therefor. It is unfortunate that the Chief of Naval Personnel did not receive and/or take appropriate action to implement the directive of the President, Physical Evaluation Board of 11 January 1999, that you were fit for duty. The fact that you were erroneously retained on the TDRL for another two years, and that you underwent further brain surgery shortly after your name was removed from the TDRL, was not considered probative of material error or injustice. In this regard, it noted that the available records demonstrate that you were fit for duty when removed from the TDRL, and that there has been no recurrence of the tumor. 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,

W. DEAN PFEIFFER  
Executive Director