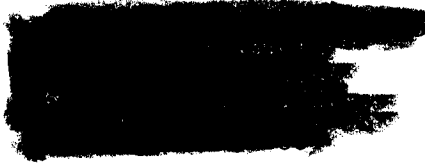




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 4816-00  
20 July 2001



Dear Petty Officer Lang:

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 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.

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 you were released from active duty on 16 August 1997, and transferred to the Temporary Disability Retired List (TDRL) with a disability rating of 30%. As long as your name remains on the TDRL (up to a maximum period of five years) your retired pay will be computed as if your disability were rated at 50%. Had you been permanently retired in August 1997, however, your retired pay would have been computed at the 30% rate. The Board noted that your condition will be evaluated by the Disability Evaluation System in the near future. If you remain unfit for duty, a final disability rating will be assigned at that time.

In the absence of evidence which demonstrates that you should have been permanently retired by reason of physical disability, vice transferred to the TDRL, the Board was unable to recommend any corrective action in your case. 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