



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

MEH:ddj  
Docket No: 5669-00  
26 June 2001

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your deceased spouse's 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 23 January 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 spouse's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1811 PERS-822 of 16 October 2000, 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. By statute, CDR Knoizen's time at the Uniformed Services University of Health Sciences (USUHS) cannot be credited for retirement. 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.

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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



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000**

1811  
PERS-822  
16 Oct 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters, PERS-00ZCB

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]  
[REDACTED]

Ref: (a) NPC memo 5420 PERS-00ZCB of 25 Sep 00  
(b) 10 USC 2126  
(c) DODFMR Vol 7B, Chap 1, Section 010202

Encl: (1) Retirement Statement of Service of 2 Aug 2000

1. Reference (a) request comments and recommendations in subject officer's case. Specifically, Petitioner requests active duty credit for the time her husband was in the Uniformed Services University of Health Science (USUHS) which would make her husband retirement eligible and then her family would be entitled to the survivor benefit plan. Secondly, Petitioner requests her husband be posthumously retired on the date of his death under Temporary Early Retirement Authority (TERA).
2. In accordance with references (b) and (c), and as noted in enclosure (1), CDR [REDACTED] time in USUHS is not creditable for any purpose. Some medical and dental officers are entitled to constructive credit for longevity purposes to reflect time spent in medical and dental school if on September 1, 1981, the member was enrolled in USUHS and was appointed a medical or dental officer. CDR [REDACTED] attended USUHS August 20, 1985 to May 19, 1989 and therefore is not entitled to constructive credit.
3. Congress did not appropriate funds for TERA in Fiscal Years 2000 or 2001.

[REDACTED]  
Branch Head, Officer Retirements