



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

JRE  
Docket No: 1173-01  
5 February 2002

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. You requested the "...invalidation of Physical Evaluation Board."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 January 2002. 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 failed to discern any relationship between the validity of the finding of fitness made by the PEB which considered your case on 30 August 2000 and the factors listed in your petition, namely the nature of your overseas screening, the participation of Air Force personnel in the disability evaluation process, and your contention that you were "...not counseled properly or by a qualified counselor in the Navy evaluation system." As you have not demonstrated that the finding of fitness was erroneous or unjust, there is no basis for the Board to recommend that the finding be modified or set aside. 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