



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

JRE
Docket No: 2766-00
4 April 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 29 March 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. In this regard, the Board found that you were discharged by reason of physical disability, with entitlement to severance pay of \$37,704.00, on 25 July 1994, pursuant to the approved findings of the Physical Evaluation Board. You were issued, and signed, a DD Form 214 on that date which reflected your discharge. Although it is unfortunate that you were erroneously given a military identification card with an expiration date in 1999, as well as a NAVEPERS Form 1910/27, dated 20 June 1994, which authorized you to proceed home awaiting transfer to the Temporary Disability Retired List, those actions did not create an entitlement to disability retirement.

In the absence of evidence which demonstrates that you should have received a disability rating of 30% or higher at the time of your discharge from the Navy, there is no basis for granting your request. 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.

If you believe you should have been transferred to the inactive status list to await retired pay at age 60, in lieu of being discharged by reason of physical disability, you should submit a new application. Please be advised, however, that correction of your record to show that you transferred to the inactive status list will create an immediate indebtedness for the full amount of the severance pay you received in 1994.

Sincerely,

W. DEAN PFEIFFER
Executive Director