



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

JRE
Docket No: 4012-01
12 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 February 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 noted, notwithstanding your contention to the contrary, that your case was considered by the Physical Evaluation Board (PEB). The review took place on 3 October 1983. The PEB made preliminary findings that you were unfit for duty by reason of physical disability incurred as a result of your own misconduct, and therefore not ratable. Available records indicate that you were injured when you walked into the path of a motor vehicle traveling on a highway with 55 miles per hour speed limit while you were highly intoxicated. You accepted the findings of the PEB on 19 December 1983, and were discharged on 14 February 1984 without entitlement to disability severance pay. Following your discharge, the Department of Veterans Affairs independently determined that your disability was incurred as a result of your own misconduct.

In the absence of evidence which demonstrates that the findings made by the PEB in your case were erroneous, and that your injuries were incurred in the line of duty, 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