



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

JRE
Docket No: 6403-01
21 May 2002



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 request, in effect, that your record be corrected to show that you were separated or retired from the Navy by reason of physical disability, due to a back injury.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 May 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 found that you served on active duty in the Naval Reserve from 12 September 1951 to 6 July 1953. You were discharged from the Naval Reserve on 26 December 1953, and you reenlisted for a period of four years on 30 March 1954. You were discharged from the Naval Reserve on 29 March 1958.

There is no indication in the available records that you were unfit for duty on 6 July 1953, or at any time prior to your ultimate discharge from the Naval Reserve. The Board was unable to accept your unsubstantiated contention to the effect that you had to choose between undergoing back surgery and being released from active duty to attend your wife, who was pregnant at that time. In addition, it noted that the issue of your entitlement to disability benefits administered by the Department of Veterans Affairs is a matter within the purview of that agency, rather than the Department of the Navy. 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