



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

JRE
Docket No. 09202-08
23 November 2009



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 19 November 2009. 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 connection, the Board concurred with the determination of the Department of the Navy Traumatic Servicemembers' [sic] Group Life Insurance Appeals Board that the preponderance of the evidence indicated that your loss of ability to perform two or more activities of daily living (ADL) did not extend for thirty consecutive days. 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 request reconsideration, you should submit a statement and supporting evidence which describes in detail which two or more ADLs you were incapable of performing without assistance for thirty consecutive days, and what factors prevented you from doing so, for example, that due to severe pain in your leg/arm, you were unable to, and did not, put on a pair of trousers by yourself from X to X, a period in excess of thirty days.

Sincerely,


W. DEAN PFEIFFER
Executive Director