



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

JRE
Docket No. 03344-09
14 August 2009

[REDACTED]

[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 6 August 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.


The Board found that you received a general characterization of service when released from active duty on 1 July 1980 because you had received nonjudicial punishment on eleven occasions and your behavior mark average was well below the minimum required for an honorable characterization of service. The fact that you received an honorable discharge from the Navy Reserve in 1982 was not considered to be probative of the existence of error or injustice in connection with your release from active in 1980. It appears that you were issued that discharge in error, as you should have received a general discharge.

The Board noted that you underwent a pre-separation physical examination prior to your release from active duty and were found qualified for separation. There is no indication in the available records that you were unfit to reasonably perform your duties because of a condition or injury that was incurred in or aggravated by your naval service. Accordingly, there is no basis for correcting your record to show that you were separated or retired by reason of physical disability.

In view of the foregoing, 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