



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

JRE
Docket No. 04071-09
21 October 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, in which you requested that your record be corrected to show that you completed 20 years of service and are entitled to concurrent receipt of disability and retired pay.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 September 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.

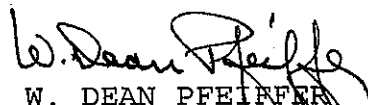
The Board found that you were discharged from the Navy by reason of physical disability on 20 May 1988, with a disability rating of 10% for a hip condition. You completed 15 years, 1 month and 27 days of active duty service, and 18 years, 9 months and 10 days of service qualifying for Reserve retirement. On 15 June 1989, the Board granted your request for correction of your record to show that you were transferred to the Temporary Disability Retired List (TDRL) on 20 May 1988, vice discharged.

with entitlement to disability severance pay. You contended at that time that you were more severely disabled than indicated by the 10% rating you had received on 20 May 1988. You were permanently retired by reason of physical disability effective 1 December 1991, with a disability rating of 60%.

The Board did not accept your unsubstantiated contention to the effect that you were improperly and/or prematurely retired by reason of physical disability before you could complete 20 years of service creditable for military retirement. The Board concluded that it would not be in the interest of justice to grant you service credit for periods when you did not perform any service. 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