



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

JRE
Docket No. 05588-10
22 July 2010



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 requested that your record be corrected to show that you were permanently retired by reason of physical disability with a disability rating of 50 percent or higher.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 July 2010. 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, naval record and applicable statutes, regulations and policies. The Board did not consider your Department of Veterans Affairs records because you declined to authorize the release of those records.

After careful and conscientious consideration of the entire record, the Board found that as you failed to submit any evidence in support of your application, and as the available records do not establish that you are entitled to correction of your record to show that you were permanently retired by reason of physical disability, there is no basis for granting your request. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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 evidence is considered new only if it was not

reasonably available to you at the time of your original application. Evidence is considered material only if it is likely to have a substantial effect on the outcome of your request for correction of your record. As a presumption of regularity attaches to all official records, the burden is on you to demonstrate the existence of probable material error or injustice in your naval record.

Sincerely,


W. DEAN PFEIFFER
Executive Director