



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

JRE

Docket No. 1735-13

13 December 2013

[REDACTED]

Dear [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 5 December 2013. 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.

You served on active duty in the Navy from 3 November 1972 to 18 April 1977, when you were transferred to the Temporary Disability Retired List (TDRL). On 12 May 1979, the Secretary of the Navy found you fit for duty and directed that you be given

the opportunity to reenlist. As you did not take advantage of that opportunity, your name was removed from the TDRL and you were administratively discharged from the Navy.

The fact that your condition has been rated at 30% by the Department of Veterans Affairs (VA) since 1977 is not probative of the existence of error or injustice in your naval record, because the VA assigned that rating without regard to the issue of your fitness for naval service. In the absence of evidence which demonstrates that the Secretary of the Navy erred when he found you fit for duty, the Board was unable to recommend favorable action on your request. Accordingly, your application has been denied. The names and votes of the panel members 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