



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

JRE
Docket No: 6407-97
14 September 1999



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 24 June 1999. 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 noted that the deferment of mandatory retirement or separation is permissive rather than mandatory, and that a deferment of your transfer to the Fleet Reserve on 1 July 1997 was not warranted or in the interest of justice. In this regard, it noted that you were not hospitalized and did not require emergent medical care at that time. In addition, you had been found fit for duty during late 1996. The Board concluded there was no acute, grave illness or injury or grave deterioration of your physical condition immediately prior to your mandatory transfer to the Fleet Reserve which would have warranted a finding of unfitness. The fact that the Physical Evaluation Board determined, albeit 11 days after your transfer to the Fleet Reserve, that you were fit for duty in accordance with the presumption of fitness contained in SECNAVINST 1850.4C, paragraph 2056, supports that conclusion. 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