



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

JRE
Docket No: 5602-02
22 October 2002



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 10 October 2002. 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. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 25 July 2002, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

7220
PERS-82B
25 July 2002

MEMORANDUM FOR SPECIAL ASSISTANT FOR BCNR MATTERS (PERS-00ZCB)

Subj: FORMER [REDACTED]
[REDACTED] REVIEW OF NAVAL RECORD

Ref: (a) BCNR MEMORANDUM 5420 PERS-00ZCB of 3 Jul 02

Encl: (1) Chief of Naval Air Training response to 1150
complaint [REDACTED] Ser 01C/0114 dtd 4 Jun 02
(2) Memorandum response to Congressional Inquiry dtd
20 May 02 [REDACTED]

1. Per reference (a), a review of [REDACTED] Naval records were made. Enclosures (1) and (2) are previous responses to [REDACTED] request. As indicated in the responses, [REDACTED] was allowed to remain on active duty, after his initial approved Fleet Reserve date of 31 October 2001, to complete surgery and allow sufficient time for a medical board to be received by the Central Physical Evaluation Board (CPEB). The attending physician and his superiors determined that his condition did not warrant a medical board and would not overcome the presumption of fitness determination as required by SECNAVINST 1850.

2. I may be reached at (901) 874-3245 for any further inquiries into this matter.

By direction