



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

JRE
Docket No. 07801-05
20 November 2006

MR [REDACTED]
[REDACTED]
[REDACTED]

Dear Mr. [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 16 November 2006. After careful consideration of your application, the Board concluded that your application was not timely filed, and that it would not be in the interest of justice to excuse your failure to submit your application in a timely manner. The Board concluded that on 11 February 1988, you knew that you had been examined and found fit for separation on 29 December 1982, and that you were being discharged without entitlement to disability benefits administered by the Department of the Navy.

The Board was not persuaded that you suffered from any physical or psychiatric conditions at that time which would have warranted a medical board. The Board concluded that your receipt of disability compensation from the Veterans Administration (VA) following your discharge is not probative of the existence of error or injustice in your case. In this regard, the Board noted that the VA assigns ratings without regard to the issue of fitness for military service, whereas the military departments are permitted to assign disability ratings only in those cases where a service member has been found unfit to reasonably perform the duties of his office, grade, rank or rating by reason of physical disability.

In view of the foregoing, and as you have not demonstrated that you were unfit for service by reason of a disability that was incurred in or aggravated by your service in the Navy, the Board denied your application.

You may request reconsideration of this decision. Your request must include newly discovered relevant evidence which was not reasonably available to you when you submitted your application. The evidence may pertain to the timeliness of your application or to its merits. Absent such additional evidence, further review of your application is not possible.

It is regretted that a more favorable reply cannot be made.

Sincerely,


W. DEAN PFEIFFER
Executive Director