



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

JRE  
Docket No. 09371-07  
11 August 2008

[REDACTED]

[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 7 August 2008. 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.

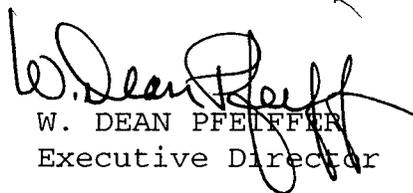
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you were discharged from the Marine Corps by reason of physical disability on 9 August 1985 with a combined disability rating of 20% for residuals of injuries you sustained in a motor vehicle accident. Effective 10 August 1985, the Department of Veterans Affairs assigned a combined rating of 20% for those residuals. The VA increased the combined rating A to 30% in 2003, and to 80% in 2006.

The recent increase in your VA ratings does not demonstrate that you were discharged from the Navy in error in 1985. In this regard, the Board noted that although the VA may raise or lower a veteran's disability ratings throughout the veteran's lifetime, ratings assigned by the military departments are fixed as of the date of separation or permanent retirement. As you have not demonstrated that you were entitled to a disability rating in excess of 20% in 1985, the Board was unable to recommend any corrective action in your case. 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