



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

JRE
Docket No. 04188-08
17 February 2009



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.

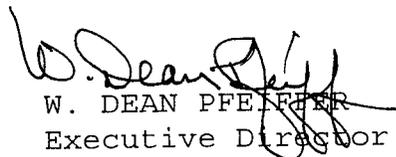
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 February 2009. After careful consideration of your application, the Board concluded that the portion of your application pertaining to your correct rank on 23 May 1946 was not timely filed, and that it would not be in the interest of justice for it to excuse your failure to submit your application in a timely manner.

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.

The Board did not consider your request for correction of your record to show that you were retired by reason of physical disability in 1946 because there were no provisions of law for the disability retirement of enlisted service members who were released from active duty or discharged prior to 1 October 1949, the effective date of the Career Compensation Act of 1949.

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

Sincerely,


W. DEAN PFEIFFER
Executive Director