



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

JRE
Docket No. 04652-08
25 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 12 February 2009. 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 found that you knew on 11 October 1965 that you were being discharged without entitlement to disability benefits administered by the Department of the Navy. In addition, it noted that the copy of the 16 September 1965 findings of the Physical Review Council which is filed in your service record states that your disability "is due to intentional misconduct", rather than not due to intentional misconduct as in the altered document you submitted in support of your application. Unfortunately, your original disability file could not be located.

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