



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

JRE
Docket No. 07918-09
1 October 2010

[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 2 September 2010. 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 you were aware of the alleged error or injustice in your record when you were released from active duty in 1994 and discharged by reason of misconduct/drug abuse in 1995, with a discharge under other than honorable conditions. Your discharge took precedence over disability processing, and should have barred your entitlement to disability benefits administered by the Department of Veterans Affairs. In addition, the Board noted that as you were injured while serving pursuant to orders that specified a period of duty of 30 days or less, you were not entitled to be retained on active duty upon the expiration of those orders, or to be issued a DD Form 214.

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