



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

JRE  
Docket No. 04972-10  
25 March 2011

[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. You requested, in effect, that you be credited with the completion of twenty years of active duty service so that you will become entitled to concurrent receipt of disability and retired pay.

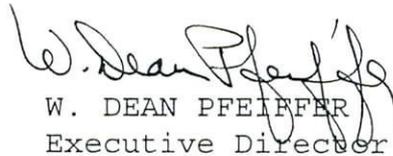
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 March 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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. In this regard, the Board found that you made a knowing and voluntary waiver of your right to request continuation on active duty until such time as you had completed twenty years of active service prior to your transfer to the Temporary Disability Retired List. The fact that you would have qualified for concurrent receipt of disability and retired pay under legislation enacted more than twenty years after you were retired was considered insufficient to warrant granting your request for additional service credit. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

As your disability is related to wounds you received while serving in combat in Vietnam, you should consider applying for combat related special compensation (CRSC). A DD Form 2860 is enclosed for your use. A fillable electronic copy of that form is available at: <http://www.donhq.navy.mil/corb/crscb/dd2860.pdf>. You may reapply to the Board for Correction of Naval Records if your request is not granted by the CRSC Board.

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

Enclosure