



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

JRE  
Docket No. 10144-10  
28 February 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 February 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. In addition, the Board considered the advisory opinion furnished by the Director, Secretary of the Navy Council of Review Boards dated 20 January 2011, a copy of which is attached, and your response thereto.

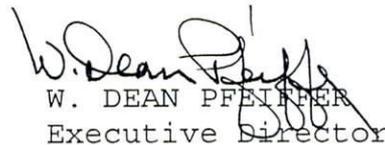
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion to the effect that the available evidence is insufficient to warrant assigning you a permanent disability rating of 50% or higher for posttraumatic stress disorder effective 31 January 2009. Although the Board was willing to correct your record to show that you were transferred to the Temporary Disability Retired List on 31 January 2009 with a 50% rating for

posttraumatic stress disorder, you did not request or consent to such corrective action. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

In addition to the foregoing, the Board noted that had it permanently increased your disability rating for posttraumatic stress disorder from 10 to 50%, your combined disability rating would have remained at 90%, and your disability retired pay entitlement still would have been capped at 75% of your base pay.

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