



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

JRE

Docket No. 1614-12

17 December 2012

[REDACTED]

Dear [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 13 December 2012. 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.

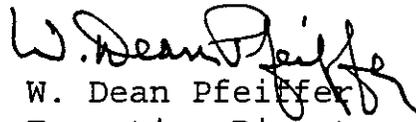
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that the increase in your Department of Veterans Affairs (VA) combined disability rating from 20% in 1975 to 90% in 2011 is not probative of the existence of error in your naval

record. In this regard, it noted that although the VA may raise or lower a veteran's disability rating at any time to account for changes in rated conditions, as well as add ratings for new conditions determined to be secondary to a rated condition, the rating determinations made by the military departments are fixed as of the date of separation or permanent retirement. As you have not demonstrated that you were entitled to a disability rating of 30% or higher from the Department of the Navy when you were discharged in 1975, the Board was unable to recommend favorable action on your request. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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