



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD SUITE 1001
ARLINGTON, VA 22201-2490

WJH
Docket No: 7290-11
25 Sep 2012

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of naval record pursuant to the provisions of 10 USC 1552.

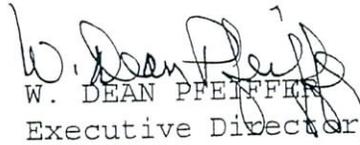
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 September 2012. Your allegations of error and injustice were reviewed in accordance with the administrative regulations and procedures applicable to the proceedings of this 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 CNO letter 7220 Ser N130C4/11U1011 of 2 Dec 2011, a copy of which is attached and was previously furnished to you.

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. In the Board's view, you could have sought to continue your active naval career. However, you submitted a request to be considered for involuntary separation vice being continued on active duty. Even when given an opportunity to seek continuation, you did not seek further active service. Moreover, you have already been awarded VA disability compensation which, by law, offsets separation pay. Under these circumstances, the Board determined that no relief should be granted to award you involuntary separation pay. 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 also 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