



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

JRE
Docket No. 8393-12
19 October 2012

[REDACTED]

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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 18 October 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.

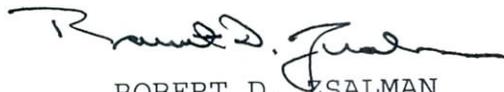
You served on active duty in the Navy from 3 September 1991 to 24 February 1993, when you were discharged by reason of physical disability. Effective 25 February 1993, the Department of Veterans Affairs (VA) awarded you a combined disability rating

of 20%. The VA increased that rating to 40% effective 2 May 1995, and ultimately to 50% effective 1 March 2012.

The increase in your combined VA rating in the decades following your discharge is not probative of the existence of error or injustice in your naval record. In this regard, the Board found that although the VA may increase a veteran's disability ratings at any time to reflect post-service changes in the severity of rated conditions, ratings assigned 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 as of 24 February 1993, the Board was unable to recommend any corrective action in your case. 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,



ROBERT D. ESALMAN
Acting Executive Director