



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

[REDACTED]
Docket No. 6824-16

AUG 14 2017

[REDACTED]
Dear [REDACTED]

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

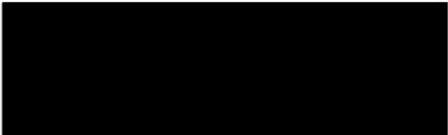
Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 June 2017. The names and votes of the members of the panel will be furnished upon request. 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.

You joined the Navy Reserve on 24 November 1986. On 5 March 2006, you mobilized and entered a period of active duty. On 2 July 2008, you were transferred to the Temporary Disability Retired List (TDRL). On 1 October 2010, you were transferred to the Permanent Disability Retired List (PDRL) with a rating by the Physical Evaluation Board (PEB) of 30 percent disabling.

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 requested for your retired pay to be computed by active duty pay grade vice your reserve pay grade. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your assertion that your pay computed by your Navy Reserve pay. The Board noted that you were a part of the Reserve component your entire career and agreed with the Defense Finance and Accounting Service (DFAS) letter you received on 26 October 2010. This letter explained to you how your retired pay is computed by either one of two methods. You are receiving the highest amount of those two methods. The Board could not find any error or injustice. In both methods, the base amount used is basic monthly pay for your rank. There is no difference if you are on active duty or a reservist. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,



Executive Director