



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

[REDACTED]
Docket No. 7411-16
APR 24 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 March 2017. 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. The advisory opinion provided in HQMC memo 1920 MMSR-2 dated 13 December 2016 was sent to you on 13 February 2017 for an opportunity to comment prior to being considered by the Board. A copy of this advisory opinion is again enclosed. Your response was received on 23 February 2017 and your entire case was presented to the Board.

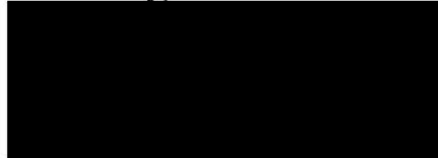
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Specifically, the Board felt that 10 USC 1175a (h) (2) (A) gave you sufficient notice that while a member who is paid voluntary separation pay (VSP) shall not be deprived disability compensation, monthly deductions shall be made from such disability compensation until it is equal to the total amount of voluntary separation pay that was paid out. On rare occasions a waiver of such offset can be granted per 10 USC 1175a (4) where the Secretary finds that recovery of the VSP would be against equity and good conscience or contrary to interests of the United States. While the Board commends your efforts to continue your educational endeavors as a productive member of society, the Board concluded that a waiver of the offset is not warranted 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 at this time. You are entitled to have the Board reconsider its decision upon the submission of

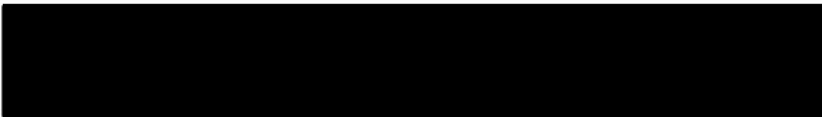
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new and material evidence. New evidence is evidence not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director

A large black rectangular redaction box covering several lines of text.