



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

█
Docket No. 6228-20
Ref: Signature Date



Dear █

This is in reference to your application for correction of your brother's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your brother's naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 15 June 2021. 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, relevant portions of your brother's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion contained in Navy Personnel Command letter 5730 Ser 91/019 of 22 October 2020; a copy of which was previously provided to you for comment.

You requested to receive the retired pay your brother earned from 17 February 2020 through 21 March 2020. The Board, in its review of your brother's entire record and your application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that brother transferred to the Retired Reserve without pay effective 1 October 2013. On 18 April 2019, Navy Personnel Command issued brother a Retired Pay Application Packet; however, there is no record of him submitting the required DD Form 108 [application for Retired Pay Benefits] and DD Form 2656 [Data for Payment of Retired Personnel to begin receiving retired pay at age 60]. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

7/21/2021

[REDACTED]

Deputy Director

Signed by [REDACTED]