



In your petition, you request to have your disability retirement percentage changed from 40% to 60% and to correct your years of service. In support of your request, you contend your disability percentage should be 60% and not 40%. You also state that information you received from the Defense Finance and Accounting Service (DFAS) reflects an incorrect number of years of service. After receiving your petition, the Board requested that you provide additional documentation to support your request and you did not provide any documents in response.

The Board carefully reviewed your petition and the material that you provided in support of your petition and it disagreed with your rationale for relief. In its review of your materials, the Board did not observe any evidence that you there was any error or injustice apparent in the findings of the PEB, a result of which was your transfer to the PDRL with a total percentage of 40% disability. To the contrary, the Board observed that your records reflect you were appropriately evaluated by medical professionals at each stage of your disability evaluation processing and those professionals made findings and recommendations that were supported by medical evidence. The Board noted that you did not provide any evidence to the contrary, despite this Board's specific request that you provide supporting information. With respect to your assertion that DFAS applied the wrong number of your years of service, the Board noted that your petition did not contain evidence that you exhausted the available remedy of first seeking clarification and/or correction from DFAS. Accordingly, in its review of all the materials, the Board did not observe any error or injustice in your naval records. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

3/11/2023

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