



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

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Docket No. 215-23
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your 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.

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 28 April 2023. 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 naval record and applicable statutes, regulations, and policies.

A review of your record, including the documentation from the U.S. Department of Veterans' Affairs (VA) that you provided, you enlisted in the Navy and began a period of active duty in 1946. Your final period of active duty service commenced on 15 December 1950. On 20 November 1951, you requested to be discharged from the Navy due to a family hardship based on dependency. On 3 December 1951, the Chief of Naval Personnel approved your request for discharge. On 11 December 1951, you were discharged.

In your petition, you request to be provided with an "updated rating with the corrected disability ratings." In support of your request, you contend that the VA changed your disability rating and that you should receive a commensurate rating with the Navy. You included a copy of VA rating documentation in your petition. You also requested a change from "Korean Conflict" to "WW 2," but you provided no further information or context for this request.

In reviewing your petition, the Board observed that the available documentation reflects that the actual reason for your discharge was due to dependency at your request. Your discharge did not

involve a disability retirement based on a finding of unfitness by a physical evaluation board. Thus, you do not have a military disability rating from the Navy to update or change. Therefore, since you do not have a disability retirement from the Department of the Navy, the Board denied your request involving your disability rating.

You should note that the VA is a distinct federal agency from the Department of the Navy, and it makes its own decisions concerning disability ratings for veterans. To the extent that you wish to have your disability rating with the VA changed, the Board suggested that you look to information set forth on www.va.gov for additional information on how to contact the VA.

With respect to your request to have “WW2” designated in your record, the Board determined that your request lacked sufficient evidence to support a change. Based on your periods of service, the Board was unable to conclude that you served during World War II. In making this finding, the Board noted that you did not provide any supporting documentation for your request. Accordingly, based on all of the foregoing, the Board denied the entirety of your petition.

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,

5/12/2023

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Deputy Director

Signed by: █