

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00986

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His five percent compensable disability rating for hearing loss be reinstated.

APPLICANT CONTENDS THAT:

When he retired, his record reflected a five percent rating for hearing loss; however, when he went to the Department of Veterans Affairs (DVA) their records reflected a rating of zero percent.

In support of his appeal, the applicant provides a copy of his DD Form 214, *Certificate of Release or Discharge from Active Duty*, issued in conjunction with his 30 Jun 84 retirement.

The applicant's complete submission, with attachment, is at Exhibit A.

STATEMENT OF FACTS:

On 30 Jun 84, the applicant was relieved from active duty and retired effective, 1 Jul 84. He was credited with 20 years, 6 months, and 16 days of active service for retirement.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice. Based upon the presumption of regularity in the conduct of governmental affairs and without evidence to the contrary, we must assume the applicant's separation was proper and in compliance with appropriate directives. Additionally, we made several attempts

to retrieve the applicant's service medical records; however, we were unsuccessful. Should the applicant provide additional evidence to substantiate his claim, we would be willing to reconsider his appeal. Therefore, based on the available evidence of record, we find no basis upon which to favorably consider this application.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered AFBCMR Docket Number BC-2012-00986 in Executive Session on 2 August 2012, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 28 Sep 11, w/atrch.

Panel Chair