



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 8457-00  
16 October 2001



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 October 2001. 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.

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.

With regard to your request for recomputation of the amount of severance pay you received, the Board noted that disability severance pay is computed by multiplying monthly basic pay times two and multiplying the product times the years of service, to a maximum of twelve. There is no corrective action the Board can take which would entitle you to credit in that computation for your service in excess of twelve years; however, if you believe that the basic pay rate used compute your severance pay is erroneous, you should contact the Defense Finance and Accounting Service and request a recomputation.

The Board noted that noted that you accepted the 10% rating assigned by the Physical Evaluation Board for your back condition. The Board was not persuaded that you suffered from severe intervertebral disc syndrome, with recurrent attacks and intermittent relief, as required for the 40% rating assigned by the Department of Veterans Affairs (VA). It appeared to the Board that the VA assigned you a 40% rating based on your subjective complaints, rather than objective evidence of a severe disease process. In addition, there may have been an increase in the severity of your condition following your discharge, which

has no bearing on the rating assigned by the Department of the Navy. 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. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter 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,

W. DEAN PFEIFFER  
Executive Director