



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

[REDACTED]
Docket No. 7328-16

APR 08 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

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 case on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 March 2017. 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.

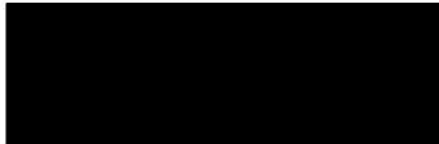
A review of your record shows that you entered active duty with the Navy on 17 September 2008. You started experiencing headaches in January 2009 as a result of computer based learning during your "A" school. On 6 April 2009, you were diagnosed with occupational problems that were contributing to your migraine headaches and recommended for administrative separation. You were counselled on 26 May 2009 that your condition was not considered a physical disability and were notified of administrative separation processing on 28 May 2009. After acknowledging your rights, you were discharged on 16 June 2009 for condition not a disability.

The Board carefully considered your arguments that you deserve a disability discharge. You assert that you still suffer from a headache condition that negatively impacts your life. Unfortunately, the Board disagreed with your rationale for relief. The Board concluded that you did not suffer from a qualifying disability. In the Board's opinion, your headache condition was caused by your training environment and would not have prevented you from performing your assigned duties outside of the environment that exacerbated your symptoms. In addition, the Board was not convinced that you were unfit for continued naval service as a result of your migraine condition. Your CT scans were normal and the sole trigger identified by medical personnel was your computer based training. This convinced the Board your inability to perform

your duties were tied to your occupational problems rather than your migraines. The fact you currently suffer from migraines did not convince the Board that you were unfit for continued naval service due to your migraines at the time of your discharge. The Board lacked evidence to find a nexus between your current condition and your condition in 2009 prior to your discharge. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application. 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 at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director