



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

[REDACTED]
Docket No. 7696-16

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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 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 you served a period of active duty in the Navy from 10 January to 4 June 2004 before receiving a hardship discharge with an honorable characterization of service. You reenlisted in the Navy Reserve in 2007 and served until 4 February 2014 before being separated based on a determination by Chief, Bureau of Medicine and Surgery (BUMED) that you were unqualified for retention due to a physical condition.

The Board carefully considered your arguments that you should be reinstated to the Navy Reserve or issued a disability discharge. Unfortunately, the Board disagreed with your rationale for relief. The Board found no evidence that your disqualifying condition was incurred in the line of duty to warrant a disability discharge under the Disability Evaluation System. Further, the Board was unable to find evidence that you should be reinstated to the Navy Reserve despite possessing a physical condition which disqualifies you from military service. The Board noted that you were provided the opportunity to have your case reviewed by the Physical Evaluation Board and chose not to exercise your due process rights. The fact you were afforded the due process rights required under the regulations and determined to be not qualified by BUMED on 23 September 2013 was sufficient evidence to support the Navy's decisions in your case. 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 large black rectangular redaction box covering the signature of the Executive Director.

Executive Director