



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

[REDACTED]
Docket No. 8030-16
APR 24 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 30 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 entered active duty with the Navy on 17 July 2013. Your medical records show that you complained of knee pain in while in basic training that led to treatment and x-rays to identify the cause of your condition. On 25 October 2013, a diagnosis of vitamin D deficiency was diagnosed as the cause of your chronic joint, muscle, and bones aches. You were notified of administrative separation processing on 5 November 2013 and discharged for erroneous enlistment with uncharacterized service on 14 November 2013.

The Board carefully considered your arguments that you deserve an Honorable characterization of service, disability discharge, and new reentry code. You assert that you suffered your disability while on active duty and should have been referred to the Disability Evaluation System. Unfortunately, the Board disagreed with your rationale for relief. First, there was no evidence presented that shows your vitamin D deficiency condition did not preexist your entry into the Navy. Based on the lack of contrary evidence, the Board accepted the medical evidence in your record that diagnosed you with the vitamin D deficiency and determined it existed prior to your entry into the Navy. The fact you were provided due process rights and acknowledged the basis for your separation also convinced the Board no error or injustice exists 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 solid black rectangular box used to redact the signature of the Executive Director.

Executive Director