



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

█  
Docket No. 676-21  
Ref: Signature Date

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█  
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Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 25 February 2021. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A review of your record shows that you entered active duty with the Navy in July 2005. You were discharged from active duty in April 2018 and transferred to the Navy Reserve. Upon leaving active duty, you received a combined disability rating of 80% from the Department of Veterans Affairs (VA). However, you continued to serve in the Navy Reserve until your discharge on 12 August 2020 at the completion of your obligated service.

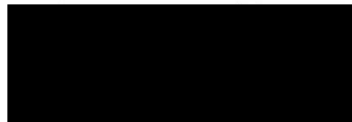
The Board carefully considered your arguments that you deserve to be placed on the disability retirement list. You assert that you left the Navy after not receiving proper care for your service connected disability conditions that consisted of chronic headaches and pain. Unfortunately, the Board disagreed with your rationale for relief.

In order to qualify for military disability benefits through the Disability Evaluation System with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if their disability represents a decided medical risk to the health or the member or to the welfare or safety of other members; or the member's disability imposes unreasonable requirements on the military to maintain or protect the member. In your case, the Board concluded the preponderance of the evidence does not support a finding that you met any of the criteria for unfitness. In reviewing your record, the Board noted that your performance improved from a 2.71 trait average with significant problems on 15 November 2018 to a 3.0 trait average with a promotion and retention recommendation as of 15 November 2019. This improvement in your performance prior to your discharge from the Navy Reserve in 2020 persuaded the Board that you were capable of performing at fleet standards for your paygrade and rate despite the disability conditions rated at 80% by the VA. The Board also noted you were similarly performing well prior to your release from active duty on 13 April 2018 as evidenced by your detaching performance evaluation that documented an early promotion and retention recommendation. This performance evaluation was issued one day prior to the effective date for your VA assigned 80% disability rating. As a result, the Board did not find your VA ratings probative on the issue of unfitness for continued naval service. The Board also considered the fact eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

3/7/2021

A solid black rectangular box redacting the signature of the Deputy Director.

Deputy Director