



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

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Docket No. 2100-21
Ref: Signature Date

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Dear Petitioner:

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.

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, sitting in executive session, considered your application on 19 May 2022. 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 also considered the 24 January 2022 advisory opinion of a medical professional, with endorsement; a copy of which was provided to you, and to which you did not provide a response.

A review of your record shows that you enlisted in the Navy and commenced a period of active duty on 1 August 2002. On 31 July 2006, you completed your required active service and transferred to the Navy Reserve. A 10 October 2017 memorandum from the Navy Bureau of Medicine and Surgery to Navy Personnel Command identified that, as a result of chronic back pain, major depressive disorder, and hypertension, you did not meet physical standards. You were found Not Physically Qualified (NPQ), with retention recommended. On 21 September 2019, you were found NPQ and not recommended for retention. Your records reflect that, at that time, you requested a retirement from the Navy Reserve. On 1 November 2019, you were transferred to the retired reserve.

In your petition, you requested that your retirement be changed to a medical retirement. In support of your petition, you contend that you provided evidence that you were unfit and that your conditions were aggravated during service. You provided as support background information stating that you while you were in service, you served aboard an aircraft carrier and

also deployed to [REDACTED] as well as [REDACTED]. You stated that while you were deployed to [REDACTED], an incident occurred in which you developed post-traumatic stress disorder (PTSD). You further stated that during your time in the Navy Reserve your PTSD was aggravated, and, as a result of this incident, you sought treatment through the U.S. Department of Veterans Affairs and private medical physicians.

The Board carefully considered your arguments, including the entirety of your petition and all of its enclosures. To assist it in reviewing your application, the Board obtained the 24 January 2022 AO. The AO reviewed the entirety of the materials that you provided with your petition, as well as all record documentation. The AO explained that:

In summary, the evidence establishes [Petitioner] elected a non-disability retirement when found Not Physically Qualified, Do Not Retain by the Bureau of Medicine's Department of Qualifications and Standards. She had the option to appeal this finding via a Physical Evaluation Board referral, but opted otherwise. To have been eligible for consideration for a medical disability retirement, the Applicant would have required a Line of Duty Benefits (LODB) letter, which she did not obtain. As such, she was voluntarily retired, which was appropriate based on the findings of the Bureau of Medicine and established policy regarding subsequent administrative disposition.

After a careful review of your service record documents and the entirety of your petition, the Board disagreed with your rationale for relief. The Board substantially concurred with the findings of the AO. Specifically, the Board observed that there is no evidence that you appealed your NPQ, not recommended for retention finding, nor is there any evidence that you obtained a LODB letter. The Board did not observe any other basis for relief. As a result, the Board did not find an error or injustice in your naval record relating to your retirement from the Navy Reserve.

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,

6/15/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]