

Finally, you mention being exposed to Agent Orange during your Vietnam tour. Unfortunately, the Board disagreed with your rationale for relief. In making their findings, the Board substantially concurred with the advisory opinion in your case.

Section 1413a of Title 10, United States Code, provides the statutory authority for payment of CRSC. Based on procedures and criteria prescribed by the Secretary of Defense, it allows for payment of CRSC for combat-related disabilities incurred as a direct result of armed conflict, while engaged in hazardous service, in the performance of duty under conditions simulating war, or through an instrumentality of war. In addition, CRSC may be awarded if a disability is attributable to an injury for which a Purple Heart was awarded. The Office of the Under Secretary of Defense issued a Directive Type Memorandum on 27 April 2004 that provided guidance on CRSC. Additionally, Department of Defense Regulation 7000.14-R (Financial Management Regulation) also addresses CRSC by stating "Determinations of whether a disability is combat-related for CRSC will be based on the preponderance of available documentary information where quality of information is more important than quantity. All relevant documentary information is to be weighed in relation to known facts and circumstances, and determinations will be made on the basis of credible, objective documentary information in the records as distinguished from personal opinion, speculation, or conjecture."

In your case, the Board concluded that the preponderance of the evidence does not support a finding that you met any of the criteria for payment of CRSC. Regarding your claim based on your bilateral knee and shoulder conditions, the Board found no evidence these conditions were incurred as a result of armed conflict, hazardous service, incident to simulating war, or due to an instrumentality of war. Your statement indicates that these disability conditions developed over time due to the nature of your military service that created wear and tear on your joints. The Board determined the circumstances related to your bilateral knee and shoulder condition, while service connected to your active duty service, were not incurred under circumstances that qualify for CRSC since there was no evidence that a specific CRSC qualifying event caused your conditions. Similarly, the Board determined that the preponderance of the evidence does not support payment of CRSC for your PTSD condition. Witnessing an aircraft mishap or being sexually assaulted during a period of active duty service does not meet the criteria for payment of CRSC. Regardless of the nexus that exists between those events and your PTSD diagnosis, neither of those events qualify for CRSC under the departmental guidance for payment of CRSC due to armed conflict, conditions simulating war, instrumentality of war, or hazardous service. Finally, the Board determined that neither your orthopedic conditions or PTSD are conditions that have a nexus to Agent Orange exposure. Based on this finding, the Board determined the preponderance of the evidence does not support payment of CRSC due to exposure to Agent Orange. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.

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.

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,

7/23/2021

[Redacted Signature]

Deputy Director
Signed by: [Redacted Name]