



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

█  
Docket No. 4866-21  
Ref: Signature Date

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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.

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 21 October 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.

A review of your record shows that you entered active duty with the Marine Corps in December 1983. You originally reported lower back pain during basic training that was eventually diagnosed as Lumbar Scheuermann's Disease in May 1984. On 6 November 1984, a medical board referred you to the Physical Evaluation Board (PEB) for Lumbar Scheuermann's Disease and Osteoid Osteoma of the right femoral subtrochanteric region. The medical board determined that your condition did not exist prior to your entry into the Marine Corps. However, in finding that you were unfit for continue naval service, the PEB concluded that your conditions existed prior to entry and were not aggravated by your active duty service. On 8 February 1985, you were discharged pursuant to your PEB findings and issued a DD Form 214 noting that your disability condition existed prior to entry. You assert the Department of Veterans Affairs denied you a service connection for your condition based on your DD Form 214.

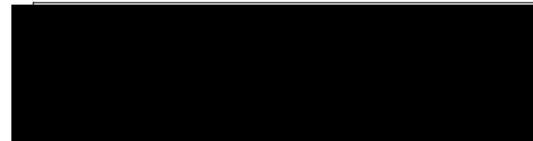
The Board carefully considered your arguments that your DD Form 214 erroneously lists your unfitting disability condition as existed prior to entry. You rely on your medical board report that opined that your condition did not exist prior to entry. Unfortunately, the Board disagreed with your rationale for relief.

In reviewing your case, the Board concurred with the PEB findings that determined your disability condition existed prior to entry and was not aggravated by your active duty service. First, the Board determined your Lumbar Scheuermann's Disease, more likely than not, existed prior to your entry into the Marine Corps since it is a condition typically developed in childhood. You presented no evidence on how your condition could have developed in the brief period of active duty prior to you becoming symptomatic with back pain. Second, the Board found no evidence that your condition progressed beyond its normal progression to qualify for service aggravation. In the Board's opinion, the normal progression for Lumbar Scheuermann's Disease is to develop back pain symptoms. Since there was no evidence in your record that your condition progressed beyond back pain, the Board concluded your condition did not meet the criteria for service aggravation. Similarly, the Board found no evidence to contradict the PEB's finding that your Osteoid Osteoma of the right femoral subtrochanteric region did not exist prior to entry. As a result, the Board concluded the PEB appropriately determined both your conditions existed prior to your entry into the Marine Corps and found no error with your DD Form 214. 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,

10/24/2021

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Deputy Director

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