



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. 5478-21
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.

A three-member panel of the Board, sitting in executive session, considered your application on 4 November 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 Navy in September 1993. While in basic training, you are treated for bilateral knee pain that prevents you from completing your physical training. On 2 December 1993, you are diagnosed with Patellofemoral Pain Syndrome and recommended for administrative separation for a preexisting physical condition. As a result, you were discharged on 16 December 1993 for entry level performance and conduct with an uncharacterized entry level separation. On 17 March 1995, the Department of Veterans Affairs (VA) found no objective finding of pain in either knee and denied your request for compensation. However, the VA subsequently determined you suffered from Systemic Lupus Crythematosus and Sjogren's Syndrome with Fibromyalgia in 2020 and assigned you a 100% combined disability rating associated with your bilateral hip replacement from 2016. This Board previously denied your request to change your narrative reason for separation to disability on 27 February 2020 and 10 June 2021.

The Board carefully considered your arguments that you deserve to have your narrative reason for separation change to disability. You raise the same argument that you were discharged from the Navy for bilateral knee pain and subsequently rated by the VA at 100%. As new evidence,

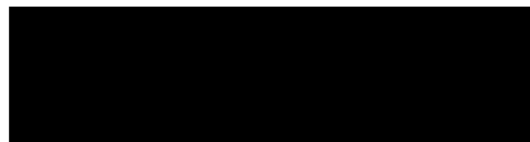
you submitted your VA ratings and a letter from your medical provider that established your service connection for your Systemic Lupus Crythematosus and Sjogren's Syndrome with Fibromyalgia. Unfortunately, the Board again disagreed with your rationale for relief.

In reviewing the evidence in your case, the Board determined the preponderance of the evidence does not support a finding that you were unfit for continued naval service at the time of your discharge from the Navy for Systemic Lupus Crythematosus and Sjogren's Syndrome with Fibromyalgia. In making their finding, the Board relied in the 17 March 1995 VA findings that documented you suffered from no pain in either knee at the time and required no medication for treatment. In the Board's opinion, this was strong objective evidence that the bilateral knee condition that prevented you from completing your basic training was temporary in nature and was no longer symptomatic in 1995. As a result, they found no error with the Navy's decision to administratively separate you for your inability to complete your basic training due to your temporary symptoms of knee pain. Further, the Board was not persuaded by the VA's decision to grant you a service connection for Systemic Lupus Crythematosus and Sjogren's Syndrome with Fibromyalgia in 2020 as evidence that you were unfit in 1993. The Board noted the VA's rating associated with those conditions are based primarily on your bilateral hip replacement in 2016; symptoms that did not exist in 1993. In addition, the Board felt that while you may have possessed those conditions in 1993, it did not necessarily mean you were symptomatic or unfit for those conditions. The Board concluded you could have easily been suffering from symptoms related to Patellofemoral Pain Syndrome while possessing your other conditions. In other words, they did not find the evidence supported a finding that if you possessed Systemic Lupus Crythematosus and Sjogren's Syndrome with Fibromyalgia in 1993, that must rule out the Patellofemoral Pain Syndrome diagnosis issued to you at that time. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

11/8/2021

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Deputy Director

Signed by: 