



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. 5865-21
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 2 December 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 Reserve on 2 November 1979. Shortly after commencing basic training, you reported to medical complaining of various symptoms potentially related to high blood pressure and asserted that you had a preservice history of high blood pressure readings. ON 5 December 1979, you were diagnosed with preexisting Labile Hypertension despite examination results that showed no physical abnormalities. As a result, a medical board recommended your administrative separation for erroneous enlistment on 11 December 1979. After you requested to be discharged for erroneous enlistment, you were discharged from the Navy Reserve on 14 December 1979 with an Honorable characterization of service.

The Board carefully considered your arguments that you should have your narrative reason for separation changed to disability or be placed on the disability retirement list. You argue that you were discharged from the Navy for high blood pressure but unable to qualify for a Department of Veterans Affairs (VA) Certificate of Eligibility for a home loan guarantee. You also assert that you injured your back and neck while in the Navy Reserve and should be assigned a disability

rating for those disability conditions. Unfortunately, the Board disagreed with your rationale for relief.

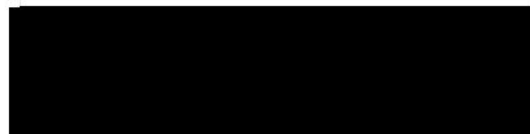
In reviewing your record, the Board concluded the preponderance of the evidence does not support a change to your narrative reason for separation or placement on the disability retirement list. Based on the medical board report in your record, the Board determined that the medical evidence supports the Navy's decision to administratively separate you for erroneous enlistment. The report details your medical history and documents your preservice history of high blood pressure readings; a potentially disqualifying condition that was not reported to the Navy as part of your enlistment physical. In the Board's opinion, this supports the medical board determination that you did not meet accession standards for enlistment in the Navy Reserve and were erroneously enlisted. The fact you are unable to qualify for VA programs was considered by the Board but found unpersuasive based on the finding that your administrative separation was supported by the evidence. Finally, the Board found no evidence to support your assertions that you suffered an unfitting injury to your neck and back while on active duty. 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,

12/4/2021

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Deputy Director

Signed by: 