



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

█
Docket No. 7132-21
Ref: Signature Date

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 9 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 initially entered active duty with the Navy in May 1987 but were discharged with an entry level separation in June 1987. You later reenlisted in the Navy Reserve and served as a Boatswain Mate. You were mobilized in November 2001 and served a period of active duty until August 2003. In 2005, you reenlisted for a period of six years and were transferred to NSA █. On 5 January 2007, you transferred from NSA █ and went into an inactive reserve status. You were eventually released from the Navy Reserve on 11 June 2011 at the end of your obligated service with an Honorable characterization of service.

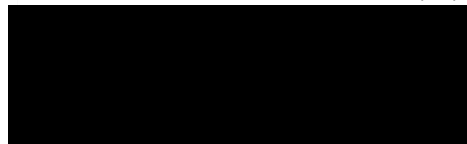
The Board carefully considered your arguments for placement on the disability retirement list. You argue that you were released from the Navy Reserve as a result of a disability rating issued by the Department of Veterans Affairs (VA) and you never received the proper counseling to seek military disability processing. Unfortunately, the Board disagreed with your rationale for relief. In reviewing the evidence in your case, the Board concluded the preponderance of the evidence does not support your placement on the disability retirement list. The Board found no evidence in your record to support a finding that you were unfit for continued naval service for

any disability condition. While the Board considered your assertion that you received a disability rating of 50% from the VA, they did not find this evidence persuasive since they could not discern the nature of your disability conditions or whether they were incurred while on a qualifying period of active duty. Further, the Board noted that you earned a 3.57 trait average on a performance evaluation ending on 30 September 2005, approximately two years after your release from active duty. This was an additional factor considered in the Board in making their finding that the preponderance of the evidence did not support a finding you were unfit as a result of a disability condition incurred or aggravated during a period of active duty. Finally, the Board found no evidence you were released from the Navy Reserve as a result of your disability rating. As previously discussed, your record documents you were released from the Navy Reserve in June 2011 at the completion of your obligated service after a period of inactive service. 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,

12/13/2021

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Deputy Director

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