



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

█
Docket No. 7172-21
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 13 January 2022. 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.

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.

A review of your record shows that you enlisted in the Navy Reserve Delayed Entry Program on 24 October 1988 after a period of service in the Air Force Reserve. You were administratively separated from the Navy Reserve Delayed Entry Program on 9 March 1989 after failing to report for active duty service. This Board previously denied your request for service credit in October 2002. Your request for disability benefits was also denied by the Air Force Board for Correction of Military Records on 29 September 2016. You provided evidence that the Department of Veterans Affairs has rated you for Depressive Disorder and Headaches.

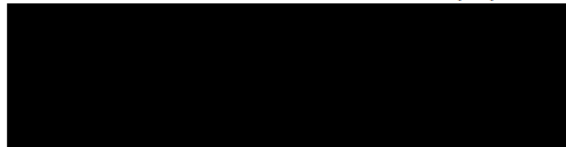
The Board carefully considered your arguments that you deserve disability benefits from the Navy. You argue that you suffered from a disability condition while in the Air Force and transferred to the Navy. Unfortunately, the Board disagreed with your rationale for relief. In

reviewing your record, the Board found no evidence that you were on active duty with the Navy. As previously discussed, you entered the Delayed Entry Program and were administratively discharged after failing to report for active duty. Since you argue you entered the Navy Reserve with a preexisting disability condition, there must be some evidence that your preexisting disability condition was aggravated by a period of qualifying active duty service in order to be considered “in the line of duty” for disability benefits purposes. Therefore, absent evidence that you entered active duty and aggravated your preexisting disability condition during that period of active duty, the Board concluded the preponderance of the evidence does not support granting any disability benefits based on your Navy Reserve service. 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,

1/15/2022

A large black rectangular redaction box covering the signature area.

Deputy Director

A black rectangular redaction box covering the contact information.