



In your petition, you request that your discharge be changed from entry-level performance and conduct to a medical discharge. In support of your request, you contend that you were injured in the line of duty, then placed on “No Duty” then “Light Duty.” You further state that these duty statuses required you not to physically train, which resulted in you failing two physical fitness tests, which you state you failed due to your medical problems. Unfortunately, the Board disagreed with your rationale for relief.

In order to qualify for military disability benefits through the Disability Evaluation System with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if their disability represents a decided medical risk to the health or the member or to the welfare or safety of other members; or the member’s disability imposes unreasonable requirements on the military to maintain or protect the member. In your case, the Board determine the preponderance of the evidence did not support a finding that you met any of the criteria for unfitness. The Board noted the absence of any contemporaneous objective evidence of unfitness. Rather, the medical evidence of record demonstrates that you had a physical injury during recruit training that was treatable, and, in fact, was treated while you were in recruit training. Further, according to the available evidence, you were provided a period of time for recuperation and several opportunities to meet the required training standards after your treatment. Therefore, the Board concluded that you were able to perform the duties of your office, grade, rank or rating at the time of your discharge and, consequently, did not qualify for a disability discharge. Finally, according to documents in your official military personnel file, the recommendation for your discharge also noted that you had an apathetic attitude toward recruit training in addition to failing a number of physical fitness tests. Accordingly, based on all of the evidence before it, the Board determined your entry-level performance and conduct discharge was supported by the preponderance of the evidence and no error or injustice exists in your discharge.

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,

2/18/2022

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