



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

█
Docket No. 7942-21
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 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 entered active duty with the Navy in September 2001. On August 2002, you were discharged after a Physical Evaluation Board (PEB) decision that concluded you suffered from an unfitting disability condition that preexisted your entry into the Navy.

The Board carefully considered your arguments to change your record to reflect your disability condition did not exist prior to your entry into the Navy. You feel an error exists in your record based on the PEB's finding. Unfortunately, the Board concluded insufficient evidence exists to support relief in your case and relied on the presumption of regularity in determining no change to your record was warranted. The Board relies on a presumption of regularity to support the official actions of Navy personnel and, in the absence of substantial evidence to the contrary,

will presume that they have properly discharged their official duties. In your case, the Board was hampered by the lack of records and any evidence to substantiate your claims of error. Therefore, absent evidence that the PEB findings in your case were erroneous, the Board found insufficient evidence of error or injustice to merit 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,

1/15/2022

A large black rectangular redaction box covering the signature of the Deputy Director.

Deputy Director

Signed by:

A black rectangular redaction box covering the name of the Deputy Director.