



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

█
Docket No. 8049-21
Ref: Signature Date



Dear Petitioner:

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 10 March 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.

A review of your record shows that you enlisted in the Navy and commenced a period of active duty on 19 August 1985. On 7 February 1986, you attended a medical evaluation board due to Avulsion Fracture of Right Medial Malleus. The medical board found that "[i]t is the impression of the Medical Board that the member is currently unable to perform the duties of his rate on a worldwide basis and that this condition existed prior to enlistment." The medical board noted that, in addition to existing prior to enlistment, your condition was "Service Aggravated." However, the Central Physical Evaluation Board subsequently determined your condition was not service aggravated. As a result, on 17 April 1986, you were discharged without severance pay, and, along with your discharge documents, you were provided a medical record entry that explained you were being discharged from active duty:

by reason of physical disability and have been advised of my right to file a claim with the Veterans Administration for compensation, pension, or hospitalization. I have decided not to submit a claim for any of those benefits at this time. I

understand that my failure to file a claim at this time does not prejudice any right to submit a claim in the future.

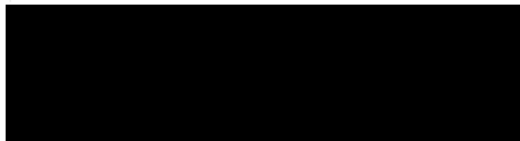
In your petition, you have requested that your narrative reason for discharge be changed by adding the phrase "service aggravated" to "Physical Disability - Existed Prior to Service." In support of your request, you contend that you were denied healthcare and benefits from the Department of Veterans' Affairs (VA), and that you have never received a rationale for the denial.

In reviewing your petition, the Board carefully reviewed all of your contentions and the material that you submitted in support of your petition. In review of the material, the Board observed that your narrative reason for discharge correctly described your basis for discharge, and that you were properly advised concerning your ability to file a claim with the VA at the date of your discharge. In addition, the Board observed that it does not make decisions with respect to VA healthcare or benefits, which is within the authority of the VA. Accordingly, the Board observed no error or injustice in your discharge and denied your petition.

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,

3/23/2022

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Deputy Director

Signed by: 