



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

█
Docket No. 322-22
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.

A three-member panel of the Board, sitting in executive session, considered your application on 27 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.

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. During your period of active duty, you underwent a surgery to remove a ganglion cyst from your right foot in January 2003. You also assert that you underwent wrist surgery while on active duty. In 2005, you reenlisted for a period of six years and were transferred to █. On 5 January 2007, you transferred from █ 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 that you deserve to be placed on the disability retirement list. You argue that you were unfit for continued naval service at the time of your release from active duty in 2003 due to your wrist and foot surgeries. 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 of the member or to the welfare or safety of other members; the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting. In reviewing your case, the Board concluded the preponderance of the evidence does not support a finding that you met any of the criteria for unfitness. Specifically, the Board considered the fact you were reenlisted in June 2005 after your release from active duty indicating you were medically fit reenlistment approximately two years after you assert you were unfit. Additionally, the Board considered your performance evaluation ending on 30 September 2005 in which you received a 3.57 trait average and a promotion recommendation. Therefore, despite evidence you underwent medical procedures while on active duty, these factors led the Board to conclude the preponderance of the evidence does not support a finding that you were unfit for continued naval service at the time of your release from active duty. While the Board considered your arguments that your command failed to assist you in your efforts to seek disability benefits, they concluded they were not probative to the issue of whether you were unfit for continued naval service in August 2003. 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,

1/29/2022

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Deputy Director

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