



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

█
Docket No. 492-22
Ref: Signature Date

█

█

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.

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 April 1992. After being found unfit for Diabetes Mellitus Type II with Mixed Hyperlipidemia and Hypertension by the Physical Evaluation Board (PEB), you were released from active duty and transferred to the Temporary Disability Retirement List (TDRL) on 4 February 2005. On 10 July 2007, the PEB found you fit to return to active duty from the TDRL. On 22 April 2013, you were discharged from the Navy based on your lack of consent to reenlistment. This Board previously denied your request to be placed on the disability retirement list on 7 October 2021.

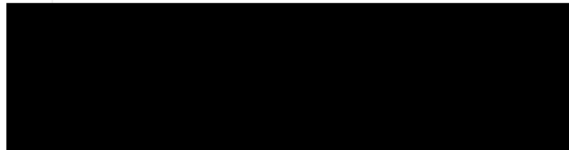
The Board carefully considered your arguments that you deserve to be placed on the disability retirement list based on your assertion that you were not properly notified of the PEB decision in your case. Unfortunately, the Board again disagreed with your rationale for relief. In reviewing

the evidence in your case, the Board determined there was insufficient evidence to support a finding that you were unfit for continued naval service at the time of the PEB decision in your case. Even if the Board were to determine that you were not properly notified of the PEB findings in your case, the Board concluded the preponderance of the evidence does not support placing you on the disability retirement list since you were found fit for active duty by the PEB in July 2007. 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,

1/29/2022



Deputy Director

Signed by:

