



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

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Docket No. 838-22
Ref: Signature Date

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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 9 June 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 applications, 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.

The Board carefully considered your request to remove your chronological record of medical care separation document dated 1 March 1979. The Board considered your assertion that your signature on the document is forged. Although you contend that you were suffering from post-traumatic stress disorder, which was related to your request, the Board did not consider this contention because you did not provide any clarifying information or supporting documentation.

The Board determined that your assertion is without merit. Although you assert you did not sign the contested document, the Board was not convinced it is not your signature, absent additional evidence to prove otherwise. The Board did take into consideration the supporting documentation you did provide; however, was unable to ascertain whether or not it is actually your signature. Please keep in mind that the Board is not an investigative agency and relies on

the evidence in the record in making its determinations. Furthermore, the Board noted that you did not dispute the contents of the document nor provide any evidence to the contrary that you were not physically qualified for separation. Accordingly, the Board relied on the presumption of regularity to conclude that the document in question is valid. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrar, will presume that they have properly discharged their official duties. As a result, the Board concluded that the contested medical separation form does not constitute probable material error or injustice warranting removal from your official military personnel file. Accordingly, the Board found insufficient evidence of error or injustice to merit relief.

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,

7/1/2022

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Executive Director

Signed by: 