



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. 2018-22
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.

A three-member panel of the Board, sitting in executive session, considered your application on 19 December 2022. The names and votes of the panel members 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 also reviewed the 3 October 2022 advisory opinion (AO) from Navy Personnel Command (PERS-9), a copy of which was provided to you and to which you did not provide a response.

A review of your record shows that you enlisted in the Navy and commenced a period of active duty on 24 August 2017. On 27 January 2022, you were transferred to the Temporary Disability Retired List (TDRL).

In your petition, you provided information that, on 23 February 2022, you received a 100% serviced connected rating from the U.S. Department of Veterans Affairs (VA). You have requested that your disability rating from the Navy be increased in light of the finding from the VA.

In connection with reviewing your petition, the Board obtained the 3 October 2022 AO. According to the AO, in part:

[Petitioner] will receive a TDRL re-evaluation by a military provider at a military treatment facility (MTF) within 18 months of his TDRL date of 28 January 2022. Following his reevaluation the PEB will adjudicate his case for potential placement

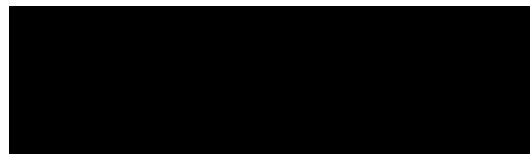
on the Permanent Disability Retired List and it has no bearing on his VA disability rating. DoD and VA disability programs are applied independently and have no bearing on present or future DoD disability rating or DoD retirement benefits.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition and the Board disagreed with your rationale for relief. In reaching its decision, the Board concurred with the AO, which found that you will be reevaluated by the PEB, which will adjudicate your case for potential placement on the Permanent Disability Retired List, and that the VA disability program is independent from the DoD disability program. Accordingly, in light of the foregoing, the Board 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,

1/6/2023

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Deputy Director

Signed by: 