



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

█  
Docket No. 2063-22  
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 you did not file your application in a timely manner, the Board found that it was 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 13 June 2023. 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.

A review of your record shows that you enlisted in the Navy and commenced active duty on 18 April 1994. On 13 April 1999, an Informal Physical Evaluation Board (IPEB) found you to be unfit at a 10% rating level. On 24 May 1999, you accepted the findings of the IPEB. Thereafter, on 15 June 1999, the President, Physical Evaluation Board (PEB) issued to you its Notification of Decision, formally notifying you that you were found unfit at a 10% rating level. On 27 July 1999, you were discharged due to disability with severance pay.

In your petition, you request that your discharge be upgraded to a military retirement. In support of your request, you contend that after your discharge you were found to have multiple sclerosis for which the Department of Veterans Affairs (VA) granted you service connection at 100%. You did not provide any further information on your VA disability rating, medical documentation, or additional support for your claim.

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 observed that you did not provide sufficient evidence to support your

request. Upon the Board's review of the available records from your PEB review, the Board did not observe any apparent errors in the findings. Further, the Board noted that eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated. In addition, based on the entirety of the available documentation, the Board was unable to find any evidence of injustice in your naval records. In this regard, the Board noted that your records reflect that you accepted the finding of the PEB and agreed to waive a formal hearing. Accordingly, based on all 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,

6/15/2023

