



In your petition, you seek review of the decision of the CORB, and you contend that you injured your shoulder during pugil stick training, and that you were thus injured during simulation of combat by an instrument of war such that you are entitled to CRSC.

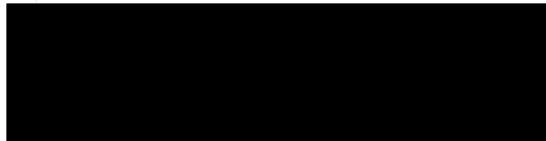
The Board carefully considered your arguments that you are deserving of CRSC on account of a shoulder injury that you contend occurred during training. The Board, however, disagreed with your rationale for relief. Section 1413a of Title 10, United States Code, provides the statutory authority for payment of CRSC. Based on procedures and criteria prescribed by the Secretary of Defense, it allows for payment of CRSC for combat-related disabilities incurred as a direct result of armed conflict, while engaged in hazardous service, in the performance of duty under conditions simulating war, or through an instrumentality of war. In addition, CRSC may be awarded if a disability is attributable to an injury for which a Purple Heart was awarded. The Office of the Under Secretary of Defense issued a Directive Type Memorandum on 27 April 2004 that provided guidance on CRSC. Additionally, Department of Defense Regulation 7000.14-R (Financial Management Regulation) also addresses CRSC by stating "Determinations of whether a disability is combat-related for CRSC will be based on the preponderance of available documentary information where quality of information is more important than quantity. All relevant documentary information is to be weighed in relation to known facts and circumstances, and determinations will be made on the basis of credible, objective documentary information in the records as distinguished from personal opinion, speculation, or conjecture."

In your case, after careful review, the Board concurred with the finding of the CORB that your application package did not establish that specific combat-related events caused your diagnoses. The Board determined the 16 January 2020 medical record does not sufficiently describe the cause of your shoulder injury for the Board to conclude, by a preponderance of the evidence, that the CORB determination was erroneous or that an injustice exists in your record. Accordingly, given the totality of the circumstances, the Board determined that your request does not 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,

10/5/2022

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Executive Director

Signed by:

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