



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

█  
Docket No. 3117-22  
Ref: Signature Date

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█  
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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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 22 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 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 a 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 joined the Navy Reserve on 29 September 1995. On 19 September 1998, your orders to your reserve unit were terminated due to your failure to maintain drill attendance, and you were transferred to the Individual Ready Reserve. In September 2003, upon completion of your required service, you were released from the Navy Reserve.

In your petition, you requested that your discharge be changed to a medical discharge. In support of your request, you contend that you developed hypertension while you were in the Navy Reserve. You further state that you were unable to perform your annual "PTS" due to your medical condition.

The Board carefully considered your petition, but it disagreed with your rationale for relief. Service members are entitled to medical treatment for disability conditions that are incurred or

aggravated while in a qualifying duty status. In order to qualify for line of duty (LOD) benefits, reservists are required to obtain LOD authorizations to obtain medical and pay benefits from the military. In denying your request for a medical discharge, the Board observed that there were no findings that you had a qualifying disability condition that was incurred or aggravated while you were in a qualifying duty status. Your records do not contain, nor did you provide, any LOD findings or authorizations. To the contrary, the Board determined that your naval records reveal that you were fit to serve and that you were transferred to the IRR as a result of your failure to maintain drill attendance. As a result, the Board determined insufficient evidence of an error or injustice exists to support a disability discharge in your case. 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,

8/2/2022

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Deputy Director

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