



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, in order to qualify for military disability benefits through the Disability Evaluation System with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if their disability represents a decided medical risk to the health of the member or to the welfare or safety of other members; the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting.

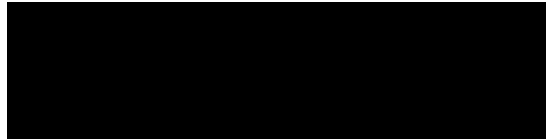
In reviewing your record, the Board concluded the preponderance of the evidence does not support a finding that you met the criteria for unfitness as defined within the disability evaluation system at the time of your discharge. In reaching its decision, the Board observed that there is no evidence in your service record, and you provided none, describing that, while you were on active duty, you were evaluated by a medical board with a referral the Physical Evaluation Board. Similarly, there is no information in the available materials constituting a non-medical assessment from your command explaining that you were unable to perform your duties. To the contrary, your performance evaluations described your service in laudable terms and reflect that you were a fit and valuable senior enlisted leader who was relied upon by the highest level of leadership in your command. Your evaluation through 15 September 2015 contained a break out ranking you as the number 2 of 8 senior chiefs and ranked you against your peers as "must promote" above two "promote" and behind one "early promote" among members in your competitive category. Your commanding officer also provide you the "strongest possible recommendation" for advancement to master chief petty officer. Your final evaluation, through 15 September 2016, described you as an exceptional leader and ranked you as "early promote." These descriptions are not consistent with you having a condition that rendered you unfit to serve. The Board acknowledged your thyroid condition manifested while you were on active duty, and it sympathizes with the difficulties you have since experienced. However, there is no evidence that, while you were on active duty, you suffered an unfitting condition such that you were unable to perform the duties of your "office, grade, rank or rating as a result of a qualifying disability condition." Further, the Board found no evidence your condition met any of the other aforementioned requirements to be considered an unfitting condition.

In addition, with respect to the post-service findings by the VA that you provided, the fact the VA rated you for service connected disability conditions that were diagnosed during your time in the Navy did not persuade the Board these conditions were unfitting at the time of your discharge from the Navy because 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. Similarly, the Board did not find the social security findings that you provided to be persuasive, in that they, like your VA rating, are based on post-service findings, and are not reliant on findings of unfitness. 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,

4/6/2023

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Executive Director

Signed by 