



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

█  
Docket No. 8567-22  
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.

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 March 2023. 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.

A review of your record shows that you entered the Navy on 2 September 1997. On 15 October 1997, you went to the medical clinic reporting pain in your feet and ankles. On 22 October 1997, you were recommended for an entry-level medical separation for a condition that existed prior to entry (EPTE), pes planus symptomatic, also known as flat feet, with symptoms of pain. On 24 October 1997, you signed a notification procedure acknowledgment, documenting that you understood you were being administratively separated from the naval service by reason of defective enlistment as evidenced by the pes planus condition. You were discharged and received an uncharacterized entry-level separation, on 30 October 1997, due to erroneous entry.

In your petition, you contend, because the Department of Veterans Affairs (VA) rated you at 50% for a service-connected disability, you warrant a disability discharge from the Navy.

The Board carefully reviewed your petition and the material that you provided in support of your petition and disagreed with your rationale for relief. In reaching its decision, the Board noted that the Naval Military Personnel Manual authorizes separation of a member during the first 180 days of service when the member has been found unqualified for further service, and specifies

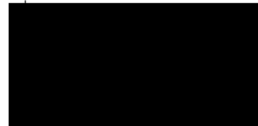
that the separation will be uncharacterized and described as Entry-Level Separation. The Board also noted that you served on active duty for less than 60 days, and the evidence in your record demonstrates you had a pre-service medical condition that was disqualifying for enlistment in the Navy. As a result, the Board determined you were properly discharged for erroneous entry based on your preexisting pes planus diagnosis.

The Board also considered the VA documentation that you provided, but 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. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.

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,

4/4/2023



Executive Director

Signed by:

