



You request from the Board a medical discharge. You contend you were injured during a PFA and the paperwork was not properly completed by your Navy Operational Support Center (NOSC) medical team. In support of your petition, you provided medical documents, a rating from the U.S. Department of Veterans Affairs (VA), and two statements from Sailors who served with you during that timeframe.

The Board carefully reviewed your petition and the material that you provided in support of your petition and it disagreed with your rationale for relief. In reaching its decision, the Board noted for Reserve service members to be eligible for a disability retirement, their injuries or medical conditions would have to be determined to have been sustained or exacerbated while in a duty status via a Line of Duty Benefits (LOD-B) determination. If a Reserve member is granted a LOD-B, then the member can enter the Disability Evaluation System (DES); this process determines if the medical condition prevents the member from continued service and warrants a disability discharge. The Board noted you did not request a LOD determination in 2013 and there is no documentation in your file that you injured yourself while in a drilling status.

As a result, the Board determined no error or injustice occurred in your administrative separation. Additionally, as you were not eligible for processing through the DES, the Board also determined insufficient evidence exists to warrant a disability discharge. In reviewing your evidence, the Board was not persuaded by the evidence submitted since there was no contemporaneous medical evidence to support your claim of a line of duty knee injury. 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,

10/19/2023

