



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

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Docket No. 6114-23
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.

A three-member panel of the Board, sitting in executive session, considered your application on 14 September 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 active duty with the Navy on 6 July 2019 and submitted a request for resignation of your commission on 31 March 2022. The Secretary of the Navy (SECNAV) accepted your resignation and Navy Personnel Command directed Navy Medical Readiness Training Command █ to complete your separation processing no later than 10 March 2023.

In the meantime, on 3 January 2023, you underwent a Medical Evaluation Board (MEB). The MEB referred you into the Disability Evaluation System (DES) for two conditions, unspecified knee pain and osteonecrosis. The narrative summary stated that you had a long history of joint pains, you were treated for seronegative rheumatoid arthritis with prednisone, and developed avascular necrosis involving the proximal tibias, distal femurs, and patellas of both knees secondary to the prednisone treatment. You underwent left knee core decompression of the femur, tibia, and patella; however, you did not receive much benefit. The medical provider stated you were referred to a medical board for the knee pain as it limited you from being able to stand or walk for prolonged amounts of time, the treatment course for your knee condition would last longer than a year, and you would likely have long term limitations as a result of the condition.

On 6 March 2023, the Informal Physical Evaluation Board (IPEB) reviewed your case and determined you were Fit to continue on active duty. In making their decision, the IPEB noted the non-medical assessment stated you were currently performing in you rate and you were able to perform dental procedures to include surgery. In addition, the IPEB noted you were also able to work a second job as a dentist outside of your military position. The IPEB sent you the findings on 8 March 2023 and, on 9 March 2023, you submitted your election of options form stating that you did not accept the findings and requesting a formal board hearing. However, on 10 March 2023, you were separated from the Navy based on your approved resignation request. On 30 March 2023, the President of the PEB sent Chief of Naval Personnel a notification that a “No Finding” would be recorded for the case as you were discharged due to resignation per Secretary of the Navy Instruction (SECNAVINST) 1920.6C.

In your petition, you request placement on the disability retirement list or, in the alternative, a referral into the DES for a formal board hearing. You contend that, at the time of your discharge, you were unfit for continued naval service due to your knee and osteonecrosis conditions and that you properly requested a FPEB, but was not afforded your right to a formal board hearing. You further contend that as a result of the condition and process you suffer from major depressive disorder which is another unfitting condition.

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 did not observe any evidence that there was any error or injustice apparent in your PEB process. After the PEB made an initial finding of Fit based off the evidence in your file, your disability case was appropriately closed based on SECNAV’s approval of your resignation request. The Board noted, in accordance with SECNAVINST 1920.6C, when an officer’s request to resign is accepted by SECNAV, it represents a complete discharge. As a result, the Board found no error or injustice with the actions of the PEB based on SECNAV’s approval and effecting your resignation request. 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,

10/16/2023

