



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

[REDACTED]
Docket No. 6517-23
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO FORMER [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that a medical record within his naval records be corrected to reflect that when he was reviewed on 17 July 1987 at the U. S. Naval Academy, the examination referred to his left arm vice his right arm as follows: "post-surgical sensory loss L arm" and not "post-surgical sensory loss R arm."

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 28 September 2023 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of naval records, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner's 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 the case on its merits. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. The Petitioner attended the U. S. Naval Academy. A report of medical examination, dated 17 July 1987, from when he was a midshipman reflects that he had surgery to his right arm. Other records within the Petitioner's medical records, erroneously reflect that the Petitioner's post-surgery sensory loss occurred to his left arm. The Petitioner graduated from the Naval Academy and commenced a period of active duty on 25 May 1988. The Petitioner was transferred to the Navy Reserve on 31 January 1995.

b. In his petition, Petitioner asserted that the U. S Naval Academy Orthopedic Department made an easily verifiable mistake in referencing his right arm, because the claimed sensory loss occurred to this left arm because his left arm has the surgical scar and the right arm has no indication of any surgery.

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CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting partial relief. Specifically, the Board determined that there exists an administrative error in the Petitioner's naval records. In reaching its decision, the Board was persuaded by Petitioner's assertion that the claimed sensory loss occurred to his left arm because his left arm has the surgical scar and the right arm has no indication of any surgery. The Board did not find that the medical record at issue should be changed, but rather this Board decision will serve as the necessary evidence of the change. As such, the Board determined that this decision document shall be placed into Petitioner's naval records to document this finding.

RECOMMENDATION

In view of the above, the Board directs the following corrective action.

That this decision document be placed into the Petitioner's official military personnel file to record the Board's findings that the surgical operation that caused a scar and sensory loss occurred on his left arm and not his right arm.

That no further changes be made to Petitioner's naval record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

10/23/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]