



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

█  
Docket No. 6954-23  
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.

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 November 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, applicable statutes, regulations, and policies.

A review of your record revealed that you entered the Navy on 1 September 1987 and served on active duty until 31 August 1991. You were subsequently transferred to the Naval Reserve and later returned to active duty on 24 May 2001. During your second period of active duty, you deployed to █ from 17 October 2006 until 6 March 2007. On 31 May 2017, you retired due to sufficient service for retirement. Post-discharge, the Department of Veterans Affairs (VA) granted service connected ratings for Post Traumatic Stress Disorder (PTSD), Chronic Kidney Disease, Obstructive Sleep Apnea, Fibromyalgia, Lumbosacral Strain, Pseudofolliculitis Barba, Right Knee Osteoarthritis, Left Lower Extremity Radiculopathy, Hypertension, Right Lower Extremity Radiculopathy, Left Lower Extremity Radiculopathy (Femoral Nerve), Left Knee Osteoarthritis, Erectile Dysfunction, and Tinnitus.

On 3 November 2022, the Combat Related Special Compensation (CRSC) Board approved your request for CRSC at a 60% rating for fibromyalgia, lumbosacral strain, and tinnitus. However, the CRSC Board denied CRSC for PTSD, chronic kidney disease, obstructive sleep apnea, pseudo-folliculitis barba, left knee joint osteoarthritis, lumbosacral strain, right knee strain, hypertension, radiculopathy and erectile dysfunction. You applied for reconsideration and, on

16 March 2023, the CRSC Board approved your CRSC for fibromyalgia, lumbosacral strain, tinnitus, hypertension, and radiculopathy but were denied your request for PTSD, chronic kidney disease, obstructive sleep apnea, pseudo folliculitis barbea, left knee joint osteoarthritis, right knee strain, and erectile dysfunction. You submitted another request for reconsideration and the CRSC Board determined the following conditions as combat related: Fibromyalgia, Lumbosacral Strain, Radiculopathy Left Lower Extremity, Left Lower Extremity Radiculopathy, Right Lower Extremity Radiculopathy, Tinnitus, and Hypertension. You were further informed that you had exhausted all measures within the scope of the CRSC Board in your request for combat-related determination for other conditions and that future appeals should be directed to this Board.

For this petition, you request your chronic kidney disease to be considered a secondary disability to your hypertension and to be deemed combat-related. You argue that your kidney failure was a result of your blood pressure being uncontrollable for years and, thus, your kidney failure should be deemed combat-related as well.

The Board carefully reviewed your petition and the material that you provided in support of your petition and disagreed with your rationale for relief. The Board noted under Title 10, United States Code, Section 1413a, there is no account for a secondary condition to be considered combat-related. Instead, there must be a definite, documented relationship between the armed conflict and the resulting disability. Consequently, the Board concluded there is insufficient evidence establishing that specific combat-related events caused your chronic kidney disease. 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,

12/3/2023

