



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. 9421-23
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 14 December 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 underwent a pre-service medical examination on 21 January 1995, which noted that you had a history of pars planitis. Despite this finding, you were allowed to enlist and you commenced active duty on 20 July 1995. On 27 July 1995, you were evaluated by a medical professional, who found that you had pars planitis, which existed prior to your entry, that no medical board was necessary, and recommended that you be discharged due to failure to meet medical/procurement standards. On 28 July 1995, you received notification of the initiation of administrative separation processing. You were discharged on 4 August 1995. You provided information in your petition that on 16 June 2023, you received a letter from the Department of Veterans Affairs (VA), which granted you a 50% service connected disability for visual impairment.

In your petition, you request that your service-related injury be documented on your Certificate of Release or Discharge from Active Duty (DD Form 214). In support of your request, you contend that upon your release from active duty, your DD Form 214 reflects that you were released from active duty due to Failed Medical/Physical Procurement Standards, but it does not state that you were released due to a service-related injury. You further assert that you recently began receiving VA benefits as result of this injury and your separation from service was incorrect.

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 observed that you provided insufficient evidence to demonstrate your narrative reason for separation set forth in your DD Form 214 was in error or that it was a result of an injustice. In particular, the Board observed that during your two weeks of active service approximately 28 years ago, a medical professional found that you had a condition that, had it been properly evaluated prior to your entry, you would not have been permitted to enlist due to not meeting medical/procurement standards, that no medical board was necessary, and that you should be separated for failing to meet such standards. The Board noted that your condition of pars planitis had been documented in your medical record several months prior to your entry into service. Thus, the Board determined that, contrary to your contention, you were not discharged due to a service-related injury. Rather, you were in fact discharged due to your failure to meet medical/procurement standards. With respect to your reliance on post-service findings by the VA, the Board noted that VA is a separate and distinct federal department that makes its own determinations relating to service connection (or, as you describe it, "service related"), and it applies a manifestation-based standard to establish such service connection. The reason for your discharge set forth in your naval records is different from VA findings, and you provided no evidence of error or injustice in your naval records. 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,

1/10/2024

