



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

[REDACTED]
Docket No. 10769-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
[REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) Official Military Personnel File

Encl: (1) DD Form 149 w/attachments

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting reconsideration of his prior petition which denied his request for a service disability retirement. Petitioner also requested that the spelling of his first name be corrected on his Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 4 January 2024 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. 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 his case on its merits.

b. A review of Petitioner's reference (b) Official Military Personnel File (OMPF) reveals that he enlisted in the Marine Corps and commenced a period of active duty on 30 December 1960. In April 1961, he was treated for rheumatic fever. He thereafter served without incident until his release from active duty and transfer to the Standby Reserve on 16 December 1964. Petitioner remained a member of the Standby Reserve until 22 November 1966, at which time he was issued an Honorable discharge certificate, and was recommended for reenlistment.

c. Petitioner filed a petition in 2023 in which he requested a "prestabilized rating" from the time of his discharge for residuals of rheumatic fever, which he contended resulted in damage to heart, muscles, and nerves, which the Board addressed as a request for a service disability retirement. In support of his prior petition, he asserted that while he was in service, he had Strep throat, Rheumatic fever, and that he was discharged without a "prestabilization rating." He

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further asserted that his impairments from Rheumatic Fever were reasonably certain to continue throughout his life and cause total disability. In support of his petition, he provided medical records from the Department of Veterans' Affairs (VA) and from his time in service, as well as selected service record documents, as well as a written statement from his wife. The Board denied Petitioner's request by letter dated 19 September 2023, in which it explained its finding that the preponderance of the evidence did not support a finding that he met the criteria for unfitness as defined within the disability evaluation system at the time of his discharge. In particular, the Board observed the lack of any evidence that he had any unfitting condition while on active duty.

d. In his current petition, Petitioner asserts that his actual disqualifying conditions were a non-union of a fracture from 4 February 1963 and acute rheumatic fever from 1961. In support of his request for reconsideration, Petitioner included letters from his wife as well as medical documentation concerning the treatment of a prior fracture of a navicular bone, which, according to the medical record, occurred prior to his entry in service. Petitioner also asserts that his first name is missing an [REDACTED] on his DD Form 214.

CONCLUSION

Upon review and consideration of all the evidence of record, with request to Petitioner's request for reconsideration of a service disability retirement, the Board concluded that Petitioner provided insufficient new material to support a change in the Board's prior decision. The Board ratified its prior decision, dated 19 September 2023, finding that no change to that decision was indicated by the new material Petitioner provided.

With respect to Petitioner's request to correct the spelling of his first name on his DD Form 214 from "[REDACTED]" to "[REDACTED]," the Board determined relief was appropriate. The Board relied on documentation contained within reference (b).

Thus, in view of the foregoing, the Board concluded that Petitioner's requested relief shall be granted in part, as set forth below.

RECOMMENDATION

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

Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) reflecting the correction of Petitioner's first name to be spelled "[REDACTED]" vice "[REDACTED]."

And no other action.

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

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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.

1/31/2024

