



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

[REDACTED]  
Docket No. 6643-16  
MAR 27 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

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 for Correction of Naval Records, sitting in executive session, considered your application on 23 February 2017. 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, your naval record and applicable statutes, regulations and policies.

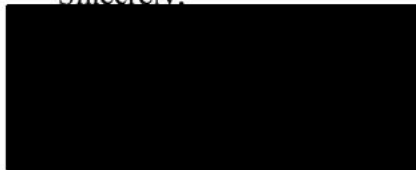
A review of your record shows that you entered active duty with the Navy in March 1994. In May 1997, you were injured when a portion of your ceiling fell on your right shoulder. This eventually resulted in your placement on limited duty on 6 May 1999 and 12 Jan 2000. You were reinstated to full duty and continued your career until you were discharged due to High Year Tenure on 3 June 2006.

The Board carefully considered your arguments that you deserve a disability discharge. You assert that you suffered a number of surgeries post-discharge for an unspecified condition that still requires treatment. Unfortunately, the Board did not agree with your rationale for relief. The Board did not find sufficient evidence of unfitness for continued naval service due to a disability prior to your discharge. Your last performance evaluation indicated you were performing above average with a 3.14 trait average that showed no occupational impairment due to a physical disability. While the medical records you provided indicated you continue to be treated for a number of disabilities including degenerative changes to your lumbar spine and hips, sinusitis, various musculoskeletal problems, carpal tunnel syndrome, and cervical pain, none of this evidence convince the Board these issues were unfitting at the time of your discharge. Your military medical records indicated you were treated for a number of medical

issues during your 12 years of service but none warranted referral beyond the two periods of limited duty for your right shoulder pain. This evidence did not convince the Board you were unfit at the time of your discharge since you served approximately six additional years after your two periods on limited duty. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director