



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

[REDACTED]
Docket No. 6942-16
AUG 10 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 July 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 you initially entered military service with a brief enlistment with the United States Army in January 1985. You later entered the Navy Reserve and served until you injured yourself while slipping on ice in January 2014. As a result, a medical board referred you to the Physical Evaluation Board (PEB) in April 2015. The informal PEB found you unfit for continued naval service due to Myofascial Pain Syndrome and rated the condition at 20%. You requested a formal hearing and consideration right kidney hydronephrosis, incontinence, and atrial fibrillation as additional unfitting conditions. On 17 November 2015, the formal PEB found you fit for active duty; a finding you contested through a Petition for Relief (PFR) on 7 January 2016. On 28 January 2016, the Director, Secretary of the Navy Council of Review Boards denied your PFR.

The Board carefully considered your arguments that you deserve to be placed on the disability retirement list due to your unfitness for continued naval service. Unfortunately, the Board did not agree with your rationale for relief. In making their findings, the Board substantially concurred with the rationale used by the formal PEB and Director, Secretary of the Navy Council of Review Boards in your case. Specifically, the Board was convinced by your own testimony that you were able to perform appropriate duties associated with your rating. In addition, the Board also agreed with the formal PEB that your skills as a trainer made you a valuable asset to the Navy Reserve. The Board considered the statements provided in your application but did not find them persuasive toward the issue of fitness for continued naval service since it felt your

testimony at the formal hearing was strong evidence that you were able to perform the duties of your office, grade, rank or rating. 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,



Executive Director