



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

[REDACTED]
Docket No. 782-17

FEB 25 2018

[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 1 February 2018. 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. In addition, the Board considered the advisory opinion contained in Director CORB ltr 1910 CORB: 002 of 16 Nov 2017; a copy of which was provided to you for comment.

A review of your record shows you entered active duty with the Navy in August 2007. You underwent surgery to resolve abnormal uterine bleeding due to endometriosis and were prescribed medication. On 15 March 2014, you received a performance evaluation with a 3.0 trait average and positive comments. Subsequently, you were issued non-judicial punishment for wrongful use of a controlled substance and administratively separated on 9 August 2015. Your last performance evaluation was issued on 30 September 2015 in which you earned a 2.86 trait average with comments noting the issuance of non-judicial punishment. Subsequent to your discharge from active duty, this Board removed your non-judicial punishment from your record on 17 July 2014. In addition, you were granted an upgrade to your characterization of service to Honorable and a change to your narrative reason for separation to Secretarial Authority by the Naval Discharge Review Board.

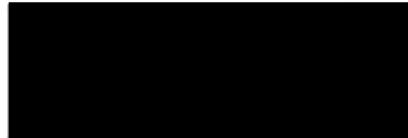
The Board carefully considered your arguments that you deserve to be placed on the disability retirement list based on your endometriosis condition that existed while you were on active duty. Unfortunately, the Board disagreed with your rationale for relief. In making their findings, the Board substantially concurred with the advisory opinion contained in Director CORB ltr 1910 CORB: 002 of 16 Nov 2017. Specifically, the Board determined there was insufficient evidence

in your record to support a finding that you were unfit for continued naval service due to your endometriosis condition. The evidence considered by the Board shows that your performance from October 2013, the time of your surgical procedure, until your discharge in August 2015 for wrongful use of a controlled substance met acceptable Navy performance standards. You received a 3.0 trait average from 16 March 2013 through 15 March 2014 and would have received a similar trait average before your discharge had you not received a 2.0 due to your misconduct. This convinced the Board that there was insufficient evidence of an occupational impairment to support a finding that you were unable to perform the duties of your office, grade, rank or rating due to your endometriosis. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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