



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

[REDACTED]
Docket No. 5172-17

NOV 2 9 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 2 November 2017. 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 entered service with the Navy Reserve in August 1967. You reported injuring your back in June 1968 during a drill weekend while lifting coiled wire. This injury led to a 19 July 1968 medical determination that you were not medically qualified for duty. You continued to be medically evaluated by the Navy through December 1968 until the Bureau of Medicine and Surgery determined you were not physically qualified for continued service due to psychophysiological musculoskeletal reaction, lumbosacral spine on 20 February 1969. After you were notified of the finding of physical disqualification, you elected to be placed on the Retired Reserve without pay. You were retired on 1 May 1969 in accordance with your election.

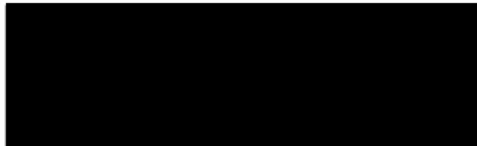
The Board carefully considered your arguments that you deserve to receive military disability benefits since you were injured during a weekend drill. Unfortunately, the Board disagreed with your rationale for relief. The medical evidence shows that you previously injured your back prior to your entry into the Navy Reserve as a result of a car accident. After your initial diagnosis of ankylosing spondylitis, the Navy was unable to find medical evidence you suffered from a disease or injury to your lower back. The 24 October 1968 and 31 October 1968 medical evaluations determined that your x-rays and laboratory test results were normal and you enjoyed

a full range of motion with no spasms. Unable to find medical evidence of an injury to your back, the Navy ultimately determined your condition was a psychophysiological reaction. This medical finding led the Board to conclude there was insufficient evidence to support a finding that the medical condition that led to your retirement was incurred while on active duty. While there was some evidence to support your original injury to your back was perhaps aggravated during a drill weekend, there was no evidence of when your psychological reaction was developed or incurred while entitled to basic pay. As a result, the Board concluded you do not qualify for military disability benefits. 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,

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

Executive Director