



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

[REDACTED]
Docket No. 5386-17

DEC 15 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 16 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.

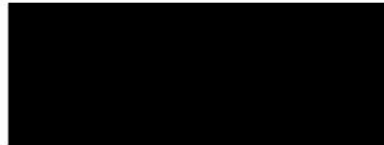
A review of your record shows that you entered active duty with the Navy Reserve on 27 December 1974. Non-judicial punishment was imposed on you for a period of unauthorized absence on 19 February 1975. That same day, you were referred to a Performance Review Board for lack of progress in aptitude and performance during your basic training. After being referred to the Navy Aptitude Board, you were recommended for administrative separation for unsuitability on 27 February 1975. You appeared before the Board and acknowledged that you possessed no physical disabilities to warrant a disability discharge. Based on the Navy Aptitude Board recommendation, you were discharged on 4 March 1975 for unsuitability with an Honorable characterization of service. Post discharge, the Department of Veterans Affairs (VA) issued you a combined 30% disability rating as evidenced by a letter dated 1 February 2017.

The Board carefully considered your arguments that your DD Form 214 failed to list your disability discharge for bi-lateral plantar fasciitis that was rated by the VA. Unfortunately, the Board disagreed with your rationale for relief. The Board concluded you were properly discharged for unsuitability based on the evidence in your record that shows your performance while in basic training was substandard and you showed an inability to read at the minimal level

without satisfactory progress. There was no evidence that you were suffering from a physical disability that warranted your referral to the Disability Evaluation System and you acknowledged on your Navy Aptitude Board rights acknowledgement that you possessed no physical disabilities at the time. Based on this evidence, the Board lacked the evidence to find you were unable to perform the duties of your office, grade, rank or rating because of plantar fasciitis or any other physical disability. The disability rating issued by the VA was of limited probative value since eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application.

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