



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

[REDACTED]  
Docket No. 5509-17

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 7 December 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.

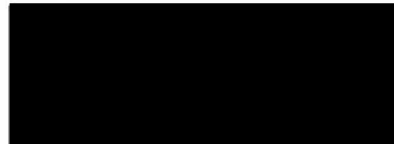
A review of your record shows that you entered active duty with the Navy on 21 February 1978. During basic training, you suffered from back pain on 17 April 1978 and were treated until 24 April 1978 when medical providers noted your back condition was no longer symptomatic. On 8 May 1978, you were referred to the Naval Aptitude Board for poor performance and lack of motivation. That same day, you were recommended by the Naval Aptitude Board for administrative separation for unsuitability resulting in your discharge on 10 May 1978.

The Board carefully considered your arguments that you deserve a disability discharge based on your diagnosed thoracic lumbar strain that you suffered on 17 April 1978. You assert that you have suffered from chronic back pain since your discharge from the Navy. Unfortunately, the Board did not agree with your rationale for relief. The Board lacked any evidence that you were unfit for continued naval service due to a qualifying disability at the time of your discharge. The medical evidence shows that you were completely asymptomatic for back pain as of 4 April 1978; approximately two weeks prior to your discharge. Additionally, the Board noted that you acknowledged that you were physically fit for separation prior to your discharge. Therefore, the Board concluded you were properly administratively processed for your aptitude issues rather

than a disability condition. 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