



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

[REDACTED]
Docket No. 6059-17
FEB 05 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.

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 11 January 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.

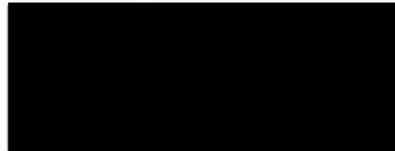
A review of your record shows that you entered active duty with the Navy in April 2004 and served successfully until your release from active duty at the completion of your required active service on 31 March 2012. You reenlisted in the Navy Reserve and served without incident until you commenced a period of unexcused absence in October 2014. Your command attempted to notify you for administrative separation processing through certified mail before separating you for unsatisfactory participation with a General characterization of service. On 15 October 2014, the Department of Veterans Affairs (VA) rated you for a number of service connected disabilities and later increased your combined rating to 100% in January 2015. The Social Security Administration granted you a monthly disability benefit starting in April 2016.

The Board carefully considered your arguments that you deserve to be placed on the disability retirement list. Unfortunately, the Board disagreed with your rationale for relief. The Board could find no evidence that your ability to perform the duties of your office, grade, rank or rating due to a disability prior to your release from active duty. The lack of evidence was supported by your two reenlistments while in the Navy Reserve in April 2012 and May 2014. Further, the Board examined your performance evaluations for March 2012 through March 2014 and could find no evidence of occupational impairment due your disabilities. You earned a 3.0 trait

average in both reporting periods with positive to average performance comments. During both years, you were deemed to have met performance expectations for your paygrade and assigned duties. The fact the VA determined you have service connected disabilities was determined not to be probative to the issue of unfitness for continued naval service. 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 and the Board found strong objective evidence that showed your performance was not negatively impacted by any disability condition. The same rationale was used when considering your Social Security Administration disability. The Social Security Administration makes disability determinations for the purpose of awarding disability insurance benefits, not for the purpose of determining fitness for military duty. So this information deemed to be of limited probative value especially considering the benefit was issued approximately four years after your separation from active duty and approximately one year after your discharge from the Navy Reserve. 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 solid black rectangular box redacting the signature of the Executive Director.

Executive Director