



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

[REDACTED]
Docket No. 7104-17

MAR 20 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 March 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 you entered active duty with the Navy in August 2009. You were found to be unfit for continued naval service by the Physical Evaluation Board (PEB) for Type I Diabetes in 2015 and your unfitting condition was rated at 20% by the Department of Veterans Affairs (VA) and accepted by the PEB. After accepting the PEB findings, you were discharged on 30 September 2015 were discharged with severance pay. On 14 August 2016, you were hospitalized after suffering from an episode of ketoacidosis. Based on this hospitalization, the VA increased your diabetes rating to 60% effective 14 August 2016.

The Board carefully considered your arguments that you deserve to be placed on the disability retirement list based on the ketoacidosis hospitalization and your current VA rating for diabetes. Unfortunately, the Board disagreed with your rationale for relief. The Board could find no evidence to support a finding that you were improperly rated by the VA or PEB prior to your discharge from active duty. There was no evidence presented that you were required to be hospitalized due to an episode of ketoacidosis or a hypoglycemic reaction prior to your discharge. Based on the rating guidelines under VASRD 7913, one or two hospitalizations for either must occur per year for a 60% rating. The fact you suffered the ketoacidosis episode and hospitalization in 2016 was not considered an error by the PEB nor did it convince the Board an injustice occurred in your case since the hospitalization occurred approximately one year after your discharge. The Board considered the progressive nature of Diabetes in making their determination. Finally, the Board considered the fact the VA did not retroactively increase your

rating to 60% effective the date after your discharge. This was further evidence your condition worsened after your discharge from active duty and your rating issued by the PEB was correct. 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 used to redact the signature of the Executive Director.

Executive Director