



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

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Docket No: 4276-19
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board for Correction of Naval Records (Board), sitting in executive session, considered your application on 30 September 2019. 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.

You enlisted in the Navy and served honorably throughout the entirety of your enlistment. Your record reflects entitlement to the Kuwait Liberation Medal and the Southwest Asia Service Medal w/2 bronze stars, among other awards and decorations. Your special fitness report for the period of 19 April 1991 through 3 July 1991, documents your major contributions to operational success in the V-2 Maintenance Officer billet during the repair period of SRA 91. On 9 May 1991, you appeared before a Medical Board that determined that you were unable to perform the duties of your rate. You were recommended to be placed on limited duty and to receive eight months of orthopedic care. You were honorably retired from the Navy on 31 December 1993, on the basis of permanent disability.

In your petition to the Board, you request that a line of duty statement be added to your Certificate of Release or Discharge (DD Form 214). You contend that a line of duty statement or an injury incurred during wartime allows you to count military time for retirement in your current employment without making a monetary contribution.

The Board carefully reviewed your application, your request and your available service record. The Board noted that you made operational contributions and served honorably prior to your retirement. The DD Form 214 that was issued upon your retirement reflects that you were found to be permanently disabled while in a military duty status. The Board considered that SECNAVINST 1850.4E and BUPERSINST 1900.8E do not contemplate a "line of duty" statement in the Remarks section or elsewhere on DD Form 214. The Board concluded that your military retirement, with a permanent disability noted on your DD Form 214, establishes your duty-connected injury or condition, and that your current discharge paperwork does not reflect either an error or an injustice.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

10/8/2019

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Executive Director

Signed by: █