



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. 10032-23
Ref: Signature Date

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Dear █

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

A three-member panel of the Board, sitting in executive session, considered your application on 21 May 2024. 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.

On 7 April 1983, you enlisted in the U.S. Naval Reserve for 6 years with an Expiration of Obligated Service of 6 April 1989. On 26 April 1983, you entered active duty for 4 years with an End of Active Obligated Service of 25 April 1987.

On 8 January 1985, President, Central Physical Evaluation Board notified Chief of Naval Personnel that you were found to be physically unfit to perform the duties of your office, grade, rank, or rating on active duty because of a physical condition that existed prior to your entry into the naval service, and that you were not eligible to receive disability benefits under the provisions of 10 U.S.C. Chapter 61. The findings were reviewed by the Judge Advocate General under the provisions of 10 U.S.C. 5148 and no legal objection interposed.

On 19 February 1985, Commander, Naval Personnel Command notified Officer in Charge, Personnel Support Activity Detachment, Naval Air Station █ that “[a]s a result of physical evaluation board proceedings and by action of the Secretary of the Navy on 8 January 1985 you are directed to discharge subject member from the naval service not later than 5 March 1985 by reason of physical disability. Cite MILPERSMAN 3620270 and this letter as authority. Severance pay as provided by Title 10 U.S.C. Chapter 61 is not authorized.”

You were discharged with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 26 April 1983 to 5 March 1985 due to physical disability existing prior to entry to active duty. Furthermore, block 12c (Net active service this period) listed 1 year, 10 months, and 10 days.

You requested to receive service credit of 52 days of active-duty service, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you were discharged on 5 March 1985 due to a disability that existed prior to entry to active duty. On the date of your discharge, you signed NAVPERS 1070/613 acknowledging that you were not recommended for reenlistment and that you had been advised that an application for review must be submitted to the Navy Discharge Review Board within 15 years or the Board for Correction of Naval Records within three years.¹ There is no evidence that you requested a review from either entity in the more than 30 years since your discharge. Furthermore, you are not disputing the reason for your discharge and provided no evidence to support your request to change your discharge date, therefore the Board determined that no change to your record is warranted.

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,

5/26/2024

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¹ On 5 March 1985, you certified an Administrative Remarks (NAVPERS 1070/613) with the following: "I hereby acknowledge that I have been informed that I am not recommended for reenlistment and that an entry to that effect has been made in my service record.

Pursuant to the provisions of MILPERSMAN 5040200, I have been advised of the purpose and scope of the NAVY DISCHARGE REVIEW BOARD and the BOARD FOR CORRECTION OF NAVAL RECORDS. I understand that my application for review must be submitted to the Navy Discharge Review Board within 15 years or the Board for Correction of Naval Records within three years; and that such application for review may be obtained by writing the appropriate board. Navy Department, Washington, DC 20370."