



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

█  
Docket No. 122-24  
Ref: Signature Date

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Dear Petitioner:

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.

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, sitting in executive session, considered your application on 13 June 2024. The names and votes of the panel members 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 revealed that you enlisted in the Navy and commenced active duty on 13 July 1970. On 29 July 1970, you were reviewed by a medical board, which found that you had an ankle condition that existed prior to your entry in service. On 11 August 1970, you were discharged with an Honorable characterization of service due to erroneous enlistment for a disability that existed prior to your entry.

In your petition, you request that you receive full medical benefits. In support of your request, you contend that you did not have an ankle injury prior to joining the Navy and you injured your ankle after you joined the Navy and participated in rigorous training.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition, and the Board disagreed with your rationale for relief. In reaching its decision, the Board observed that there was insufficient evidence to support your request for medical benefits. Specifically, the Board reviewed your applicable service and medical records, in particular the report of your 29 July 1970 medical board, and it observed that you had originally injured your ankle by falling off of a pickup truck approximately three years prior to

joining the Navy. The Board determined this fact supports the medical board's finding that your ankle injury pre-dated your service. Thus, the Board did not observe any error or injustice in your service record with respect to your discharge from service. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

6/28/2024

