



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

█  
Docket No. 1776-24  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 17 October 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, applicable statutes, regulations, and policies.

A review of your record shows you entered the Navy Reserve with a pay entry base date of 9 April 1993. On 29 March 2023, Navy Personnel Command (NPC) sent you a Change in Reserve Status letter notifying you of completion of 30 years commissioned service and statutory requirement for separating from the Navy Reserve on 1 February 2024. On 4 October 2023, you received Active-Duty Training (ADT) orders for the period 13 October to 29 October 2023 (17 days). You consequently fulfilled those orders and were released from ADT on 29 October 2023. On 3 January 2024, you went to your civilian medical provider stating that you injured your ankle on 18 October 2023. You underwent a Magnetic Resonance Imaging (MRI) scan on 16 January 2024, which showed you had a sprained ankle. You submitted a request for line of duty benefits (LOD-B); however, the LOD-B was not processed prior to your transfer to the Retired Reserve on 1 February 2024.

You contend during your October 2023 ADT period; you injured your ankle on a training run and after experiencing pain for two months before deciding to see your physician. You claim you warrant a line of duty determination for this injury.

Based on your request, the Board requested an advisory opinion (AO) from the Benefits Issuing Authority (BIA), Commander, NPC, (PERS-95). The BIA recommended to deny issuing LOD

benefits noting the MRI was conducted 79 days after the qualified period of duty and there was no definitive determination of the date of injury. In rebuttal to the advisory opinion, you provided witness statements to support your contention of injury on 19 October 2023 during a training run. You claim that you tried to treat the condition on your own, to no avail, until January 2024 when you sought professional medical help.

The Board carefully reviewed your petition and the material you provided in support of your petition and disagreed with your rationale for relief. The Board concurred with the AO that LOD benefits are designed to provide service members in the Navy Reserve access to medical benefits from an injury incurred or aggravated during a period of qualified service, and that you are retired and no longer affiliated with the Naval Reserve. Further, the Board concluded that, had you submitted an LOD request in a timely manner, it would have been denied. The Board observed there was no medical documentation, from the qualified period of service, to effectively support your contention that the injury occurred during the ADT period in question. While the Board carefully considered the evidence you provided in support of your contentions, they ultimately determined it was insufficient to overcome the lack of contemporaneous medical evidence from the time of your injury. 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,

11/27/2024

