

DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS 701 S COURTHOUSE ROAD SUITE 1001 ARLINGTON VA 22204-2490

> Docket No. 4851-24 Ref: Signature date

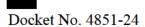
Dear Petitioner:

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 12 September 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.

A review of your record revealed that you entered active duty with the Navy on 6 May 1979 and served until 30 May 1986. You received an Honorable characterization of service and were subsequently transferred to the Naval Reserve. On 28 June 2007, Navy Personnel Command notified you that, based on your flight physical examination of 15 March 2007, you were not physically qualified for flying duty due to hypertension. You requested a waiver, which was approved. Ultimately, you were transferred to the Retired Reserve, on 1 July 2009, and authorized retired pay effective 26 September 2016.

In 2022, you applied for Combat Related Special Compensation (CRSC) for bilateral hearing loss, tinnitus, hypertension, and atopic dermatitis of the eyelids. On 22 November 2002, the CRSC Board denied your request. You submitted a reconsideration to the CRSC Board and, on 4 March 2024, the CRSC Board approved tinnitus and bilateral hearing loss as combat related, under conditions simulating war basis, effective October 2016. However, the CRSC Board again denied CRSC for your hypertension.



You petitioned the Board, appealing the CRSC Board decision to deny hypertension as a combat-related condition. You contend that the Department of Veterans Affairs (VA) awarded you 10% for the condition effective 28 June 2009 and the condition is related to your service during (WA). You further contend the hypertension developed as a result of the extreme stress you underwent while conducting combat air operations while deployed.

The Board carefully reviewed your petition and the material that you provided in support of your petition and disagreed with your rationale for relief. The Board concurred with the CRSC Board that hypertension occurs due to abnormally high blood pressure and is primarily caused by a variety of factors to include family history, weight, and diet. The Board noted under Title 10, United States Code, Section 1413a, there is no account for a secondary condition to be considered combat-related and furthermore combat-related determinations require a direct causal relationship between the combat event and the disability. Additionally, the Board was not persuaded by your VA evidence since eligibility for compensation and pension disability ratings is based on a service connection; unlike CRSC that requires a combat nexus. Therefore, absent additional evidence that your condition was combat related as defined by Title 10, United States Code, Section 1413a, the Board determined there is insufficient evidence to link your diagnosis to your combat air operations and to support a combat related determination for CRSC. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board thanks you for your faithful and selfless service to this country.

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 the 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.

