



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

██████████
Docket No. 8998-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 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, sitting in executive session, considered your request for reconsideration of the denial of your previous petition on 27 March 2025. 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A review of your naval record revealed that you enlisted in the Navy and commenced active duty on 8 August 1989. While you were in service, you were reviewed by a Medical Evaluation Board (MEB). The MEB issued a report on 7 May 1998 recommending that you be reviewed for fitness by the Physical Evaluation Board (PEB) due to a diagnosis of Left Knee Osteochondritis, Bilateral Pes Planus, and Bilateral Plantar Fasciitis. On 2 July 1998, the PEB found you to be unfit due to Bilateral Plantar Fasciitis at 10%. You are also found to be unfit due to Left Knee Osteochondritis as unfitting, but existing prior to your entry into service (EPTE), as well as Bilateral Pens Planus as a condition that contributed to the unfitting condition. Pursuant to the findings of the PEB, you were discharged on 7 October 1998 due to disability, with severance pay.

On 19 July 2024, nearly twenty-six years after your discharge, you filed a petition with this Board seeking to have your disability ratings reevaluated and to have the PEB's EPTE finding to be changed. The Board considered this application and determined that it was barred by the statute of limitations finding that you provided an insufficient basis to excuse your failure to file a petition in a timely manner. In your current application, you provided an explanation for the untimely filing of your application, which the Board considered and determined that it would waive the statute of limitation and review your renewed petition on the merits.

After complete review of your petition and the materials you provided, the Board disagreed with your rationale for relief and denied your request. In reaching its decision, the Board observed that it applies a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. In your case, the Board observed that, while you were in service, you were reviewed by a MEB, which, after careful review of your medical condition, referred you to be reviewed by the PEB. The PEB made specific findings comparing your diagnosed medical conditions with the nature of your job duties while in service in order to determine whether you were fit for further service. These boards based on their findings on medical records, performance records, and the like, which were contemporaneous to your service and based on direct observations. Under these circumstances, and after a thorough review of the materials you provided as well as your service record, the Board was unable to find that you provided sufficient material to overcome the presumption of regularity.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

4/4/2025

Deputy Director

Signed by: