



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

█  
Docket No. 4120-24  
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 22 August 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 reveals that you enlisted in the Marine Corps and commenced active duty on 8 November 1999. During your service, you were placed into the Disability Evaluation System. On 23 June 2008, an Informal Physical Evaluation Board (IPEB) found you to be unfit with a 20% rating. On 2 July 2008, you accepted the IPEB's findings by executing an Election of Options form. On 11 July 2008, the President, PEB, informed the Commandant of the Marine Corps that you were found unfit at 20% and that you should be separated with severance pay. On 30 October 2008, you were discharged from the Marine Corps with severance pay in accordance with the findings of the IPEB. Thereafter, you filed an application with the Physical Disability Board of Review seeking a change in your separation characterization or disability rating. On 7 October 2011, you were informed by letter that the Physical Disability Board of Review recommended that no change be made to his separation characterization or disability rating.

In your petition, you request to have your separation program designator (SPD) changed from JFL1 (disability, severance pay) to RFJ (permanent disability). In support of your request, you contend that your current SPD is an Air Force code. You further assert that, at the time of your

separation, you were discharged with a 30% disability, which should have resulted in a disability retirement.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your request, and the Board disagreed with your rationale for relief. In reaching its decision, the Board observed that the SPD assigned by the Marine Corps for service members discharged due to a disability, who were entitled to severance pay, is JFL1. Thus, the Board did not observe an error with respect to the SPD that you were assigned. The Board also observed that you were found to have a 20% service disability rating by the IPEB, which you accepted by executing your Election of Options. Thus, the Board did not observe an error with respect to your discharge with severance pay as indicated by the findings of the IPEB. Similarly, the Board found insufficient evidence of an injustice in your naval records. Accordingly, based on the foregoing, the Board denied your petition.

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,

