



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

██████████
Docket No. 11830-24
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 application on 20 February 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.

A review of your record shows that you were commissioned in the Navy and commenced a period of active duty on 18 January 2019. On 20 May 2022, your commanding officer wrote to Commander, Navy Personnel Command, requesting that you be processed for administrative separation. According to the letter from your commanding officer, on 3 May 2022, a Medical Evaluation Board (MEB) recommended that you be administratively separated due to Mixed Irritable Bowel Syndrome; which rendered you incapable of continued naval service. Your commanding officer explained that you had been formally counseled concerning your condition on 16 May 2022. Further, your commanding officer explained that you had requested to be processed through the Disability Evaluation System (DES) but the MEB had specifically considered your medical condition and determined that you had no basis for referral into the DES based on your condition. Finally, in light of the fact that you were a probationary officer, your commanding officer requested that you be involuntarily separated using notification procedure. On 17 August 2022, Commander, Navy Personnel Command, wrote a letter to you explaining that the show cause authority reviewed your case and determined that there was sufficient evidence to require you to show cause for retention in the Navy based on your diagnosis. Thus, according to Navy Personnel Command, administrative action had been initiated to separate you as a probationary officer based on your condition not constituting a

physical disability. Thereafter, on 10 February 2023, consistent with the findings set forth in the letter of your commanding officer and as explained to you by Navy Personnel Command, you were discharged due to condition, not a disability.

In your petition, you have requested this Board to change your separation code to reflect that you received a service medical retirement. In support of your request, you contend that your medical conditions were present while you were on active duty. You further explained that, while you realize that ratings by the Department of Veterans' Affairs (VA) are different than a medical board, you would have taken the extra steps to allow a medical board to review your case and make a decision. You provided a finding from the VA showing that, post service, you were awarded a VA service connected disability finding totaling 80% effective 11 February 2023; which was eventually increased to 100%, effective 15 August 2023, for a variety of conditions.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition. It also conducted a thorough review of your case as you requested and determined that no error or injustice exists in your naval records with respect to your discharge from service. 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 you were diagnosed with a condition that was specifically found, while you were in service, to be a condition, not a disability. The available records also reveal that, while you were in service, you sought to be reviewed within the DES and that you were specifically found to have no basis for referral to the DES. 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.

To the extent that, after you left the Navy, you manifested service-connected disability conditions that were incurred or aggravated while you were in service, it is appropriate that you sought assistance from the VA. The available documentation that you provided indicates that you have obtained such a VA rating and that you may be able to obtain services from that organization, which is separate and distinct from the Department of the Navy. Such post-service findings by the VA are manifestation based and as such did not persuade the Board that the assignment to you of a condition, not a disability, narrative reason of separation was in error or resulted from an injustice. 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,

3/12/2025

