

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

Docket No. 550-25
Ref: Signature Date

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your request on its merits. A three-member panel of the Board, sitting in executive session, considered your request on 1 May 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 record revealed that you were commissioned in the Navy and commenced active duty on 23 May 2008. During your service, you received regular fitness reports. Your report for the period 17 March 2014 to 31 January 2015, described you as a "SUPERB OFFICER," explaining that your "outstanding organizational and leadership ability enabled [you] to fill a critical billet." You were marked as "Must Promote" with a trait average above your reporting senior's summary group average. Your report for the period 1 February 2015 to 12 March 2015, described you as a "Brilliant Tester," a "Skilled Planner," and a "Consummate Aviator." You were again marked as Must Promote with a trait average above your reporting senior's summary group average. Your report for the period 13 March 2015 to 31 January 2016

contained a soft breakout describing you as the number 1 of 51 lieutenants and remarked that you were a must-select for O-4 and for department head. Your report for the period from 1 February 2016 to 25 August 2016 contained a soft breakout, this time ranking you as the number 3 of 60 lieutenants, calling you a future commanding officer, and increasing you to an early promote from must promote.

Thereafter, it appears that you transferred to your final command during your naval service, reporting to be the flag aide for the admiral who was president of the ██████████. Your first report from the admiral was for the period 3 October 2016 to 31 January 2017. This report contained a soft breakout describing you as the number 1 of 6 junior officers. The report further exclaimed:

A PHENOMENAL NAVAL OFFICER OF UNMATCHED CHARACTER AND LEADERSHIP ABILITY. THE NAVY NEEDS [PETITIONER] AT THE NEXT LEVEL! A FUTURE FLAG OFFICER, GROOM FOR COMMAND; HE IS GOING TO EXCEL!

Your report for the period 1 February 2017 to 31 January 2018 stated that you were the number 1 of 5 junior officers and, according to the admiral, the “Best Aide I Have Ever Worked With!” The Admiral continued that you had already selected for lieutenant commander and that you are in continued grooming for an operational aviation command. The admiral explained that you were a “Sustained Superior Leader,” a “Strategic Innovator,” and an “Outstanding Planner.” The Admiral concluded by stating you were a “Future Operational Aviation CO” and again recognizing you as a future “Flag Officer.”

Your final fitness report was submitted for the period 1 February 2018 to 31 October 2018 based upon your “Honorable separation from Active Duty & transfer to USNR.” According to the admiral, you were an:

“***EXTRAORDINARY LEADER ON FAST TRACK FOR OPERATIONAL AVIATION COMMAND - DEEP SELECT! *** and “*** WITHOUT HESITATION, HE WAS THE ABSOLUTE BEST OF ALL MY AIDES; FUTURE FLAG OFFICER! ***

In setting forth the background of your naval service from available documentation, the Board did not observe any indication that you had any physical conditions or other performance degrading conditions during the entirety of your active duty service; which ended on 31 October 2018. You were assigned an Honorable characterization of service and were authorized to affiliate with the Navy Reserve.

The Board presumed that, prior to your separation from active duty and in accordance with the Manual of the Medical Department (MANMED) prepared by the Department of the Navy Bureau of Medicine and Surgery (BUMED), you would have received a separation physical examination. According to section 15-20 of the MANMED, a separation physical examination is a comprehensive evaluation, which is conducted for the purposes of ensuring that service members have not developed any medical conditions while in receipt of base pay that might

constitute a disability that should be processed by the Physical Evaluation Board (PEB). Further, according to the MANMED, the “standards for being physically qualified to separate are the same as those being qualified to continue active duty Service and to affiliate with the reserves.”

Available documentation reflects that, after your separation from active duty, you affiliated with an ██████████ unit. The documentation does not reflect whether you were assigned to a flying billet at the time. You provided a document, dated 1 March 2019, reflecting that you were temporarily disqualified from flying for a period to exceed 60 days due to an illness or injury but the note does not describe the nature of the illness or injury. The Board was also unable to find any evidence that you submitted a Line of Duty request pursuant to Secretary of the Navy Instruction 1770.5 of 23 August 2018, which governs the method of addressing injuries and illnesses for Navy Reserve members. The Board was also unable to find any documentation that your reserve unit placed you into Medical Readiness Review (MRR), which is the method by which reserve units address reserve members who develop, or have a material change in, a potentially disqualifying medical condition that is not expected to resolve within 180 days and is likely to prevent a member from safely/effectively fulfilling the responsibilities of their grade/designator/rating or interfere with mobilization.

You provided documentation reflecting that, on 25 April 2019, you voluntarily requested to transfer from the ██████████ unit to a ██████████. Thereafter you submitted a voluntary request to resign your commission. On 30 September 2019, Commander, Navy Personnel Command, informed you that the “Secretary of the Navy accepted your voluntary request to resign your commission as an officer in the United States Navy Reserve. Accordingly, you have been honorably discharged from the Navy Reserve effective 30 September 2019.”

In your petition, you request to be permanently retired from the Navy due to a disability. In support of your request, you assert that the Navy erred in not processing you through the Disability Evaluation System (DES) by not medically retiring you from the Navy either at the date of your separation from active duty or not later than prior to your separation from the Navy Reserve. In support of your argument, you assert that post-service, the Department of Veterans Affairs (VA) awarded you several service connected disabilities; which you contend rendered you unfit for service.

The Board carefully reviewed your contentions and the material that you submitted in support of your request and the Board determined that it found no error or injustice in your naval records. In reaching its decision, the Board observed that, in order to qualify for military disability benefits through the Disability Evaluation System (DES) with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if their disability represents a decided medical risk to the health or the member or to the welfare or safety of other members; the member’s disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting. In addition, 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 was unable to find any evidence to support that there was an error or an injustice in your naval record by virtue of the fact that you were authorized to separate from service, affiliate with the Navy Reserve, and you were permitted to voluntarily resign from the Navy without first placing you into the DES. The Board was unable to find any indicia, and you did not provide any, that any of your commands while you were on active duty or in the Navy Reserve suggested that your performance was impacted by any apparent disability conditions for which you should have been evaluated by a Medical Evaluation Board and referred to the DES for determination as to whether any such conditions were unfitting for your continued service in the Navy. In fact, the Board found that evidence supports the contrary. Notably, while you were on active duty, your performance was considered extraordinary, such that you were identified – as a senior O-3 and O-4 select – as flag material. In addition, the Board presumed that prior to your separation from active duty, you would have received a separation physical examination as described above. Your record reflects that you were, in fact, accepted into the Navy Reserve, which means that you were in fact found fit for separation and fit for affiliation with the Navy Reserve.

While you were in the Navy Reserve, you affiliated with a unit, and the record reflects that, after some period of time, you voluntarily requested to transfer to the ██████████. There is no indication that you were placed into MRR by either of your reserve units or, even assuming, *arguendo*, that you had some condition that you incurred or was aggravated during a reserve drill period, you submitted a request for LOD to document such illness or injury. With respect to your medical chit that temporarily disqualified you from flying, the Board found no indication that this suggested that you were otherwise unfit to continue in either of your Navy Reserve units. In fact, the Board found no indication that either of your reserve units placed you into a flying billet. However, even if you had been in a flying billet, the Board found no indication that you were unable to continue your reserve duties outside of such a theoretical flying billet. The Board further observed that you voluntarily resigned your commission from the Navy Reserve and you were not involuntarily processed due to a medical condition. In sum, the Board was unable to find any evidence, either from when you were on active duty or when you were in the Navy Reserve, that suggested there was any error in your separation from the Navy or that you otherwise should have been placed into the DES instead of allowed to voluntarily transfer to the Navy Reserve and ultimately allowed to resign from the Navy Reserve. Further, the Board was unable to find that there was injustice in the fact that you were not placed into the DES at any time in your Navy career.

You have provided post-service findings by the VA relating to a variety of conditions and argue that these post-service conditions evidenced that you were actually unfit during your active duty service or in the Navy Reserve. The Board was not persuaded by this argument. On this point, the Board observed that the VA does not make determinations as to fitness for service as contemplated within the service disability evaluation system. Rather, eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated. In light of the foregoing, the Board was unable to find an error or injustice in your

naval record. 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,

5/14/2025

