



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

█
Docket No. 2075-25
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your request on 22 December 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 also considered the 24 September 2025 advisory opinion (AO) from a medical professional. Although you were provided an opportunity to respond to the AO, you chose not to do so.

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 reveals that you enlisted in the Navy and commenced active duty on 12 January 2005. During your service, from time to time, you received medical treatment, and your available medical records, including the materials that you provided, were reviewed by the medical professional who drafted the AO. While you were in service, you were reviewed by a Medical Evaluation Board (MEB), which issued a report on 22 December 2014. According to the report of the MEB, you were diagnosed with (1) left knee subjective pain in excess of objective findings, status post anterior cruciate ligament reconstruction and medial meniscus debridement, (2) right anterior knee pain without evidence of internal derangement, and (3) symptom magnification and pain behaviors noted on examination. The MEB referred you to the

Integrated Disability Evaluation System (IDES) and review by the Physical Evaluation Board (PEB) for adjudication of fitness for continued military service due to the foregoing conditions.

As described within the AO, on 20 April 2015, an Informal PEB (IPEB) found you to be unfit due to Left Knee Pain (VA Diagnostic Code 5010-5257). The IPEB determined the referred condition of right anterior knee pain without evidence of internal derangement was adjudicated as Category III (that is, conditions that are not separately unfitting and do not contribute to the unfitting condition). The referred condition of symptom magnification and pain behaviors noted on examination was deemed as Category IV (that is, conditions which do not constitute a physical disability). Next, in its role within the IDES, the Department of Veterans Affairs (VA) assigned a 20% disability rating to the unfitting condition. On 21 April 2015, the IPEB findings were finalized. This was communicated to your PEB Liaison Officer (PEBLO) for review with you. On 30 April 2015, you accepted the IPEB findings of 20% disability rating and medical separation with severance pay. You did not demand a Formal PEB hearing or request a reconsideration of the VA rating. Thereafter, you were discharged, on 31 July 2015, due to Disability, Severance Pay, Not Combat Related, IDES, with an Honorable characterization of service.

In your application, you requested to have your service disability rating changed to reflect that it was at least 30%. In support of your request, you argued that the IPEB rated you at 20% based only on your knee issue but the VA later awarded you a rating of 100% service connected based on “neuro and knee.” In particular, you argued that while you were serving on a ship in the Persian Gulf, you exacerbated injuries that required a medevac from the ship and treatment at █ for a neurological disorder and knee injury. You further argued that you are not able to work and to function in normal society, and you have not been able to since “sustaining the neuro injuries and reduced use of leg.” You state that you believe the Department of Defense rushed your separation to replace the “vacant spot without considering the extent and severity of [your] injuries for the rest of [your] life.”

In order to assist it in reaching a decision on your application, the Board obtained the 24 September 2025 AO, which was considered unfavorable to your request. As noted, the AO reviewed all available medical records, including all of the material that you provided. According to the AO, in part, with edits to formatting:

after review of all available objective clinical and non-clinical evidence, in my medical opinion, the decision rendered by the IPEB appears appropriately based on available objective evidence of Petitioner’s condition at the time of his discharge and ability to complete his enlistment. The preponderance of available objective clinical evidence did not support Petitioner’s contention that at the time of his discharge the Disability Evaluation System failed to consider all medical diagnoses in their determination of unfitting conditions and awarding of appropriate disability evaluations.

The mere presence of a diagnosis is not synonymous with a disability. In order to find that a member is Unfit for continued naval service, it must be established that the medical disease or condition underlying the diagnosis actually interferes

significantly with the member's ability to carry out the duties of his or her office, grade, rank, or rating. (SECNAVINST 1850.4E para 1004 c(2)(a)).

As part of the IDES process, Petitioner's MEB-identified duty-limiting conditions were referred to the VA for disability evaluation and rating. The Department of Veterans Affairs determined the rating percentage associated with the unfitting diagnosis. For IDES cases, within 15 days of receiving disability ratings from the VA Disability Rating Activity Site (DRAS), the PEB applied the disability ratings using the diagnostic code(s) provided by the DRAS to the Service Member's unfitting conditions and published the disposition recommendation. (SECNAV M-1850.1, Chapter 4, 1.b).

Additionally, Petitioner applied to the VA for disability benefits for other conditions claimed by the Petitioner to have been incurred during his military service. Petitioner cited his post-discharge VA grant of service-connected disability benefits for conditions other than his Left Knee condition as evidence supporting his contention that the PEB failed to consider additional conditions in their determination of unfitting conditions and awarding of disability evaluations.

However, the VA assigned disability ratings to each condition indicated it had been determined to have been incurred in the line of duty. The VA assigned those ratings based on those conditions and without regard to the issue of fitness to perform military duty. Even if supported by the Veterans Administration, VA service connection does not dictate unfitness for naval service. The Veterans Administration does not determine fitness for military duty, which is the responsibility of the Secretary and military authorities.

The AO concluded, "in my medical opinion, the preponderance of objective clinical evidence provides insufficient support for Petitioner's contention that at the time of his discharge the Physical Evaluation Board failed to consider all medical diagnoses in their determination of unfitting conditions and awarding of appropriate disability evaluations."

The Board carefully reviewed your contentions and the material that you submitted in support of your request and disagreed with your rationale for relief. 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. The Board considered your request including all of the available supporting documentation. The Board determined, however, that it substantially concurred with the findings of the AO; which it found to be rational and based on substantial evidence. Thus, the Board determined that you failed to provide sufficient evidence to overcome the presumption of regularity. At the outset, the Board noted that the AO reviewed all of the materials that you provided. In addition, the AO set forth the history of your medical treatment and your various evaluations by a MEB and the IPEB while you were on active duty. The AO fulsomely described the process that you underwent while you were in the IDES; which involved evaluation by several different medical providers. The Board observed that, at the time you were in the IDES, you were provided all rights and you were appropriately reviewed. In fact, the

records indicate that you accepted the findings of the IPEB and that you did not request reconsideration of the rating decision of the VA in its role within the IDES. Further, to the extent you rely on post-service findings by the VA to support your request, the Board concurred with the explanation by that AO, that the “VA assigned those ratings based on those conditions and without regard to the issue of fitness to perform military duty” and that “VA service connection does not dictate unfitness for naval service.” The Board also considered that you were given an opportunity to provide a response in rebuttal to the AO, and it did not receive any rebuttal from you. 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,

1/15/2026

