



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

██████████
Docket No. 2456-25
7704-22
7600-15
Ref: Signature Date

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Dear ██████████

This is in reference to the review of your naval record by the Board for Correction of Naval Records [hereinafter referred to as the Board] pursuant to 10 U.S.C. § 1552, conducted pursuant to the Order of the U.S. District Court for the ██████████ (██████████.) (Civil Action No. ██████████), filed ██████████ 2025, remanding your case for further proceedings consistent with the Opinion, also filed ██████████ 2025, accompanying the Order.¹ After careful review and consideration of all the relevant evidence of record, the Board continued to find insufficient evidence of any material error or injustice warranting relief. Accordingly, your application has been denied.

A three-member panel of the Board, sitting in executive session, reconsidered your application on 9 July 2025. The names and votes of the panel members will be furnished upon request. Your allegations of error or injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board and the Order of the ██████████. Documentary material considered by the Board included both the Order and Memorandum Opinion filed by the ██████████ on ██████████ 2025; the case files for each of the Board's two previous reviews of your case in Docket Nos. 7704-22 and 7600-15;² relevant portions of your naval record; and applicable statutes, regulations, and policies. This was a *de novo* review, with no deference afforded to either of the two previous reviews of your case in Docket Nos. 7704-22 or 7600-15.

Despite reviewing your case *de novo* and affording no deference to the previous decisions in your case, the Board unanimously reached the same conclusion as its predecessors did in Docket Nos. 7704-22 and 7600-15. As such, nine separate Board member have now reached the same

¹ The ██████████ found the Board's decision in Docket No. 7704-22 to be arbitrary and capricious for failing to adequately address your ability to reasonably perform the common military tasks associated with your rating.

² The former of which included your original Complaint to the ██████████ (filed 19 May 2022) and the application you submitted in support of the remand of your case on 10 November 2022 (consisting of an 11-page brief and multiple exhibits).

conclusion. The Board concurred with the conclusions as expressed in Docket No. 7704-22 and adopted and incorporated the content of that letter by reference herein. The conclusions expressed herein should be read in conjunction with the decision letter from Docket No. 7704-22 adopted and incorporated by the Board.

It was apparent from the Board's review of the ██████████. Opinion in light of the Board's decision letter in Docket No. 7702-22 that a better explanation of the duties associated with your rating is necessary to support the Board's conclusion. The Board determined that the duties/common military tasks associated with your rating did not necessarily entail future service aboard surface ships at sea. The ██████████'s interpretation the Board's decision to the contrary in Docket No. 7702-22 revealed that this conclusion was inadequately explained in the decision letter for that review.

The Board reiterated that your rating for purposes of defining your relevant duties/common military tasks for evaluation within the Disability Evaluation System (DES) was that of "Unrestricted Line [(URL)] Officer." Navy officers do not technically have "rates" or "ratings," but DODI 1338.38³ defines "rating" for the purposes of the DES as "[t]he name (such as "Boatswain's Mate") prescribed for members of an Armed Force in an occupational field."⁴ Contrary to your contention, your rating for purposes was not defined by your designator code (1160). Per NAVPERS 15839I (Volume 1),⁵ officer billet designator codes are "four-digit numbers used to identify the primary naval specialty *qualifications required of the billet incumbent* and to administratively categorize *officer billets* for proper management and identification (*emphasis added*).⁶ A "URL officer *in training for Surface Warfare designation*" is not an occupational field; it was the billet that you happened to occupy for a short time in 2007 before you were evacuated from ██████████. Having failed to achieve Surface Warfare Officer (SWO) designation, URL officer was the only possible occupational field in the Navy that could have logically applied to you.⁶

The duties of an URL officer in the Navy are just that – unrestricted. Per NAVPERS 15839I (Volume 1), URL officers are "[o]fficers of the line of the Regular Navy and Naval Reserve who *are not restricted in the performance of duty (emphasis added)*." As a relatively junior URL officer, the duties of your office, grade, rank, or rating (i.e., common military tasks) were whatever duties were assigned to you by higher authorities. From approximately August 2007 to November 2007, those duties happened to be those associated with the billet you occupied as an

³ *Physical Disability Evaluation*, November 14, 1996 (Incorporating Change 1, July 10, 2006).

⁴ See paragraph E2.1.21.4. See also SECNAVINST 1850.4E (*Department of the Navy (DON) Disability Evaluation Manual*), paragraph 2057d, defining "rating" for enlisted Sailors as "[t]he occupational fields prescribed for Sailors (BM, Boatswain's Mate; DT, Dental Technician; etc.)."

⁵ *Manual of Navy Officer Manpower and Personnel Classifications* (Volume I: Major Code Structures)

⁶ If you had completed the training for SWO designation, then your occupational field could logically have been considered that of SWO. Having failed to complete such training, however, there was never a time during your naval service that your occupational field was so narrowly defined.

URL officer in training for SWO designation.⁷ After your removal from ██████████ they happened to be the administrative duties that you were assigned to perform by Commander, Naval Surface Force, U. S. Atlantic Fleet (SURFLANT), in which you excelled. The point is that the potential duties of a URL officer (without a specialty designation) are broad and undefined – they are whatever (and wherever) the Navy determines them to be.⁸ The circumstances under which you came to be performing administrative duties at SURFLANT are irrelevant, as those were in fact duties that an URL officer could reasonably expect to perform.

The Board discussed in detail the evidence reflecting that you were more than capable of performing the duties assigned to you at SURFLANT in the decision letter for Docket No. 7704-22. As the Board has adopted and incorporated by reference the content of that letter, it will not repeat that discussion here. These were, in fact, the duties of an URL officer, and you proved not only capable of performing such duties, but you excelled in their performance and received significant praise from the command for your performance in this regard. The evidence also clearly reflects that you were fully capable of performing an innumerable array of functions not associated with duty at sea. In fact, the Board could think of no shore-based duty in the Navy that your medical condition would reasonably have rendered you unable to perform. If you had not voluntarily resigned,⁹ the Navy presumably would have continued to assign you to shore duties, either at SURFLANT or elsewhere, for the duration of your service obligation. There was no indication in the record that the Navy ever sought to involuntarily curtail your service obligation as a result of your assignment limitations.¹⁰ Accordingly, the Board found that the consideration of your common military tasks very clearly weighed in favor of the PEB finding that you were fit for continued service.

Finally, there is no requirement that an URL officer be capable of performing duties at sea. While the ██████████ interpreted the statement in the decision letter for Docket No. 7704-22 that URL officers are “assigned to perform a wide variety of tasks, *both at sea and on shore*,” to imply that the common military tasks of such officers necessarily include duties at sea, the Board understood this statement to mean instead that URL officers may be assigned to perform duties

⁷ The Board generally described these duties on page 7 of the decision letter for Docket No. 7704-22 (i.e., “training and leading Sailors; learning and becoming proficient in the wide variety of technical tasks associated with service onboard service ships; thinking; planning; organizing; coordinating; and performing administrative functions”).

⁸ The Board acknowledges that this understanding would make it difficult for any URL officer without a designation, like yourself, to be found unfit since the duties for such an officer could be crafted to the individual officer’s physical capabilities. This is both true and logical, as a URL officer without a designation may be utilized in whatever capacity the Navy deems necessary and appropriate. In this regard, the Board notes that URL officers in your situation are relatively rare, as the vast majority of URL officers complete the training necessary to receive a specialty designator (i.e., Surface Warfare, Submarine Warfare, Naval Aviator, SEAL, etc.), thus establishing an occupational field from which applicable duties/common military tasks may be defined.

⁹ The Board concluded in Docket No. 7704-22, in the absence of evidence to the contrary, that your discharge from the Navy was voluntary and continues to find no evidence to reach an alternative conclusion.

¹⁰ Your voluntary resignation makes it impossible to know how your career would otherwise have progressed. But it is your burden to prove that the Physical Evaluation Board’s (PEB) finding of fitness was erroneous and your decision to voluntarily curtail your naval career made it difficult, if not impossible under the circumstances, to make that case.

anywhere.¹¹ Additionally, the reference to “becoming proficient in the wide variety of technical tasks associated with service onboard service ships” in the decision letter for Docket No. 7704-22 was made in the context of describing the common military tasks associated with your previous billet aboard [REDACTED], in the wider context of refuting your erroneous contention that the objective of your billet at the time defined the duties of your rating. That your duties while assigned to [REDACTED] included becoming proficient in the wide variety of technical tasks associated with service aboard service ships does not imply that URL officers must necessarily serve aboard surface ships – your failure to complete the training necessary for SWO designation obviated the requirement that you would have to serve on such ships.

Having found consideration of the very broadly defined common military tasks of an URL officer (without a specific specialty designation) to weigh heavily in favor of the PEB's finding of fitness in your case, the only fitness consideration in paragraph 3304 of SECNAVINST 1850.4E which weighed in favor of the contrary finding was that of your deployability. However, paragraph 3304(a)(3) of SECNAVINST 1850.4E provided that the "[i]nability to perform the duties of ... office, grade, rank, or rating in every geographic location and under every conceivable circumstance will not be the sole basis for a finding of Unfit."¹² Accordingly, the Board continued to find no error or injustice in the PEB's determination that you were fit for continued service in March 2008.

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,

7/21/2025

¹¹ If that was not what was intended by the Board in Docket No. 7704-22, it was certainly the understanding and conclusion of the members who conducted the present review.

¹² See also paragraph 3307a.