

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

examination prior to your separation from active duty. 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.”

According to a note from a physician dated 18 February 2022, which you provided to this Board with your application, he was treating you for a variety of conditions including fibromyalgia, migraine, IBS, depression, and multiple joint pain. On 7 January 2023, Department of the Navy Bureau of Medicine and Surgery (BUMED) informed Navy Personnel Command (PERS-95) that you were not physically qualified (NPQ) for retention in the Navy Reserve due to fibromyalgia, arthritis, post-traumatic stress disorder, depressive disorder, anxiety disorder, and history of suicide attempts. On 25 January 2023, you signed a Page 13 Administrative Remarks, which set forth your potential options in light of the NPQ finding. From among the options, you indicated that you requested discharge from the Navy Reserve. Another available option included to indicate that you wanted to pursue “Line of Duty for Disability Benefits.” On 16 February 2023, the commanding officer of your Navy Reserve Center informed you that you were found to be NPQ for retention in the Navy Reserve. You were discharged thereafter due to being NPQ.

In your petition, you request that your record be corrected to reflect that you received a medical disability retirement based on injuries or illness; which you contend were incurred on active duty and for which you were ultimately found NPQ in the Navy Reserve. You provided a variety of service records relating to your Medical Readiness Review (MRR) in the Navy Reserve as well as documents from the Department of Veterans Affairs (VA). On 2 May 2025, this Board wrote to you by email requesting additional documentation; explaining that review of your application revealed that you did not include adequate materials or documentation to support your assertions of a mental health condition, Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), and/or treatment for military sexual trauma. You responded the same day, explaining that you were “working to get my timecard. Please remember I requesting a retirement due to my physical disabilities to my pain is so bad from fibromyalgia and migraines that I use canes and require FMLA.” You attached with your response some additional medical treatment records and a wage and hour form.

The Board carefully reviewed your contentions and the material that you submitted in support of your request and 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, while you were in the Navy Reserve, you were placed in the MRR process and ultimately determined to be NPQ. The Board was unable to find any evidence, and you did not provide any, to support your assertion that you had incurred the conditions for which you were found NPQ while you were on active duty. At the outset, the Board observed that, at the completion of your period of active duty, you received a positive enlisted performance evaluation and were issued a Navy and Marine Corps Achievement Medal for your performance. Thus, it did not appear to the Board that your performance was impacted by any potentially unfitting conditions; including any of the conditions that you now claim resulted in your finding of NPQ in the Navy Reserve. 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. The Board also observed that, after you received notice that you were found to be NPQ, you were specifically provided the option of seeking to pursue a Line of Duty (LOD). An LOD would be required for you to be reviewed for a potentially unfitting condition within the DES. The records reveal that you instead of seeking the LOD, you accepted the NPQ findings and separation.

Finally, you have provided medical records from the VA relating to a variety of conditions. To the extent you assert that these post-service conditions evidenced that you were actually unfit during your active duty service or in the Navy Reserve, 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,

5/29/2025

