



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

██████  
Docket No. 2827-25  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 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 8 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, to include the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) (Kurta Memo) and the 4 April 2024 clarifying guidance from the USD (P&R) regarding cases involving both liberal consideration discharge relief requests and fitness determinations (Vazirani Memo)<sup>1</sup> (collectively “the Clarifying Guidance”).

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

A review of your record shows you enlisted in the Navy and commenced active duty on 13 May 2014. On 15 April 2022, you were awarded nonjudicial punishment for two instances of violating Article 112a of the Uniform Code of Military Justice<sup>2</sup>. Upon completion of your required active service, on 20 April 2022, you were discharged from active duty with an Honorable characterization of service and a RE-4 reentry code.

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<sup>1</sup> Mailed and emailed to you on 4 April 2025 with an opportunity to submit additional information, if desired.

<sup>2</sup> Derived from the Evaluation Report & Counseling Record submitted on the occasion of separation from naval service notes

In your petition, you request correction to your Certificate of Release or Discharge from Active Duty (DD Form 214) to indicate you received a medical retirement because you “receive a 1099-R from DFAS.”

With respect to your request to be granted a service disability retirement, the Board carefully reviewed your contentions and the material you submitted in support of your petition but disagreed with your rationale for relief. In keeping with the letter and spirit of the Kurta Memo, the Board gave liberal and special consideration to your record of service. 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 his office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if his disability represents a decided medical risk to the health of 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 reviewing your record, the Board concluded the preponderance of the evidence does not support a finding that you met the criteria for unfitness as defined within the DES at the time of your discharge. At the outset, the Board observed that you served a period of active duty from 13 May 2014 to 20 April 2022. There is no indication that during your period of active service you were referred to a Medical Evaluation Board for any potential unfitting conditions. Similarly, there are no indications you were unable to perform your work. To the contrary, despite your NJP for drug abuse just prior to your discharge, your performance evaluations indicate you were successfully performing your assigned duties.

The Board further considered that, to the extent you rely upon post-service findings by the Department of Veterans Affairs (VA), the VA does not make determinations as to fitness for service as contemplated within the service DES. 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 conclusion, in its review and liberal consideration of all of the evidence and its careful application of the Clarifying Guidance, the Board did not observe any error or injustice in your naval records. 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 is attached 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,

5/21/2025

