



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

[REDACTED]
Docket No. 2918-25

[REDACTED]
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session on 8 May 2025, has carefully examined your current request. 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 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.

The Board noted your previous request, Docket No. 585-25, requested the same relief¹ as your current submission, i.e. changing the discharge reason to a disability-related discharge. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

The Board carefully considered the extensive medical and apprentice/employment records, the letter from your medical provider, and the employment decision letter but determined the new

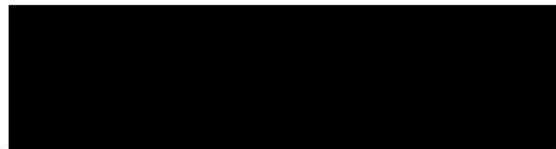
¹ Additionally, in your current petition, you requested to reverse the recoupment of your Nuclear Officer Accession Bonus and direct payment for your unused leave. Since these are pay-related relief requests, your request has been assigned a separate docket number 2925-25.

evidence also does not overcome the presumption of regularity. This Board concurred with the previous Board's discussion of Military Personnel Manual (MPN) 1910-130, which authorizes a service member to be separated on the basis of not meeting physical standards for enlistment when there is evidence the member did not meet the minimum physical standards for enlistment or induction upon entry, but the problem was revealed or discovered during introductory training. You contend the presumption of regularity should not apply in your case but the Board disagreed with your rationale. The Board specifically noted the scenarios you posed, i.e. countless personnel engaging in acts of falsification and secrecy to ensure your enlistment or you suddenly becoming disabled and the Navy falsifying the reason so adverse actions could be taken, are both extremes. With respect to countless personnel falsifying your pre-service and enlistment medical records, the Board noted there is no requirement in MPN 1910-130 for there to be wrongdoing. In fact, per MPN 1910-130, you could only be separated under this guidance if: (a) your enlistment would not have occurred if relevant facts had been known by the Department of the Navy..., (b) your enlistment was not the result of fraudulent conduct on your part, or (c) the defect is unchanged in any material respect. The Board, even after considering the new medical evidence, also concurred with the previous Board's determination that "based on the timeline of when you became symptomatic, that your condition, more likely than not, preexisted your entry into the Navy and was disqualifying for entry." The Board, noting your in-service report that you "primarily [have] the movements when in a social or stressful situation and they are nearly absent while [you are] by [yourself] and relaxing," determined the lack of discussion of a functional tic disorder or similar symptoms in your pre-service records does not overcome the presumption your functional tic disorder existed prior to service. Therefore, the Board concurred with its previous finding that no error or injustice exists with 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 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,

5/21/2025



Executive Director

Signed by: 