



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

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Docket No. 4145-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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.

A three-member panel of the Board, sitting in executive session, considered your application on 9 January 2026. The names and votes of the panel members 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 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 18 April 2017. On 6 February 2021, you underwent a Medical Evaluation Board (MEB), which described that you were referred for review of a diagnosis of celiac disease. According to the MEB, your diagnosis of Celiac Disease will be a lifelong affliction and the first line treatment is avoiding foods that contain gluten. Further, according to the MEB:

If she can maintain a gluten free diet, she is asymptomatic. This proves difficult in the setting of field, combat, and shipboard operations. Her symptoms are severe enough to where she was hospitalized at one point. Her current rate requires a high level of acuity and does not correlate well with shore duty. I concur with the initial LIMDU submission. Her end of obligated service is April of 2022. It is my

recommendation that she be found non-deployable and remain on shore duty to complete her term of service.

You did not submit a rebuttal to the MEB. Records within your PEB file reflect that, on 4 May 2021, you were counseled by an attorney on your rights within the Integrated Disability Evaluation System (IDES). You received further counseling on your placement into the IDES on 18 May 2021. On 20 May 2021, you submitted your formal application for disability benefits. In your application, you listed a variety of disabilities. The first disability you listed was celiac disease. You also listed migraine with aura, acne vulgaris, dysmenorrhea, ear pain right side, bilateral hand numbness and tingling, bilateral fingers numbness and tingling, bilateral wrist numbness and tingling, bilateral arm numbness and tingling, bilateral face numbness and tingling, and bilateral neck numbness and tingling.

In its role within IDES, on 9 September 2021, the Department of Veterans Affairs (VA) provided proposed ratings for your conditions. For celiac disease, the VA rated that condition at 0%. In the VA's IDES proposed ratings, the VA specifically addressed several other conditions as serviced connected; specifically, cervical radiculopathy and peripheral neuropathy, right upper extremity, cervical radiculopathy and peripheral neuropathy, left upper extremity, other disorders of peripheral nervous system, right, other disorders of peripheral nervous system, left, acne vulgaris cheeks, chin, neck, and migraine headaches.

In order to assist the Physical Evaluation Board (PEB) in making determinations as to whether your referred condition was unfitting, it obtained a non-medical assessment (NMA) from your command. Your commanding officer submitted the following comments in the NMA:

a. How does the medical condition(s) impact the Member's work capacity in relation to his/her MOS, RATE? [Petitioner's] condition precludes her from participation in combat duty, deployment, overseas duty, and field duty. Ships at sea cannot effectively provide a gluten-free diet, which would result in malnourishment for [Petitioner] due to her Celiac Disease.

Notably, your commanding officer did not mention or discuss any other conditions that potentially limited your ability to perform effectively. Next, on 5 October 2021, you provided a personal statement to the PEB, which stated, in part:

While on deployment in Aug-Sep 2019, I began having intense stomach pains that made me feel extremely ill to the point I threw up blood. When I had this pain, I was nauseous, and dizzy and incoherent.

In March 2020 an endoscopy was done due to stomach pains. I was informed in July 2020 that the inflammation from my endoscopy was generally caused by Celiac Disease, therefore I was prescribed to be on a gluten free diet. After 2-3 weeks of being on a gluten free diet I started to feel healthier not having as many pains. However, that only lasted a short time since the ship was unable to provide gluten free food and what was available was not 100 percent guaranteed gluten free. I began feeling malnourished as I was not receiving nutrients. For the remainder of deployment I was prescribed pre-natal vitamins to make sure I was receiving the

necessary nutrients. It was extremely difficult to maintain a gluten free diet onboard a ship as well as shore as I am effected by gluten to the point of illness.

In January 2021 a colonoscopy was conducted to rule out anything other than celiac disease. The colonoscopy completed in January 2021 did not result in a diagnosis, but the blood test conducted January 28, 2021 confirmed a diagnosis of Celiac Disease.

I am unable to maintain a gluten free diet underway. The inability to get nutrients from food onboard and maintain a healthy diet is effecting my performance and health. As an ██████████, I must be healthy and 100 percent coherent to provide safety of flight for the Carrier Strike Group. I am currently working out of my rate and NEC while on shore duty. Based on my special diet needs, and my inability to have a gluten free diet accessible to me while underway, I am unable to be an asset to my coworkers, command, and the U.S. Navy. I am currently working out of my rate and not using my NECs.

Notably, you did not mention or discuss any other potentially unfitting conditions in your personal statement to the PEB. Your personal statement focused on your diagnosis of celiac disease and how that diagnosis impacted your ability to function in your rate and NEC.

On 15 March 2022, an Informal PEB (IPEB) issued its findings that you were unfit due to celiac disease. The IPEB assigned a 0% rating to the condition, incorporating the findings of the VA. The notes of the medical officer in your IPEB state that you have “a confirmed condition of CELIAC DISEASE with supporting laboratory and clinical progress note documentation.” (Emphasis in original.) The medical officer’s notes continued, in part:

Treatment consisting of medication did not resolve the symptoms sufficiently so that the member can perform the duties of their rank/rate/MOS at sea, on shore or in a deployed status, the facts of which are supported by the NMA. Of special note, the member cannot perform the following duties: no austere locations, no sea duty, no deployment. Therefore, the condition identified above is unfitting as it interferes significantly with the member’s ability to carry out the duties of their office, grade, rank or rating.

The PEB incorporates the enclosed DVA Rating Decision Letter and its supporting rationale regarding the above unfitting condition.

Thus, as described within the medical officer’s notes above, the IPEB had the VA rating decision information, which listed all of your conditions that the VA had considered as service connected.

The presiding officer’s notes to the IPEB reflect that, “[t]he evidence establishes that the member, due to disability, is unable to reasonably perform the duties of the member's office, grade, rank, or rating/MOS.” On 24 March 2022, you executed your election of options (EOO), in which you stated that you accepted the finding of the IPEB and you did not seek to have your rating from the VA reconsidered. Thereafter, you were discharged due to disability, with severance, on 30 April 2022, in accordance with the findings of the IPEB.

In your application to this Board, you request to be granted a permanent medical disability retirement. In support of your request, you provided a written statement, a statement from your husband, and statement from a Navy colleague. You also provided medical records as well as records from VA. In your written statement, you argued that, while you were in the PEB process, you were misguided by your chain of command, members of the hospital, as well as your PEBLO. You further asserted that your Navy medical provider instructed you to reference only “celiac disease” on your paperwork, even though you had multiple medical conditions at that time, and such other conditions were overlooked and disregarded, contrary to all applicable law and Navy regulations. In addition, you argued that, upon finalizing the PEB process, your PEBLO informed you that you were considered medically retired and would be eligible for a variety of benefits. The statement from your husband, which was fully considered by the Board, supported the assertions that you made in your statement. The statement from your Navy colleague similarly supported the statements that you made in your statement; generally describing that your PEBLO was not effective and that you believed you were medically retired. In further support of your petition, you also provided post-service VA rating letters as well as medical records.

The Board carefully reviewed your contentions and the material that you submitted in support of your request and it 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. In light of the foregoing standard, the Board carefully considered all of the available materials and it also considered the facts and circumstances of your DES processing; including the procedure that was employed during your DES processing. The available facts revealed that the precipitating event that caused your referral into the IDES was your celiac disease, which manifested while you were on a ship. Thereafter, according to the available records, your processing focused upon the celiac disease. Indeed, the MEB focused on your celiac disease as a potentially unfitting condition, as did your commanding officer in preparing your NMA. In addition, your own personal statement that you provided to the PEB focused on the celiac disease. The records further reflect that you were reviewed by the VA, in its role within the IDES, and it evaluated all of the conditions that were apparently brought to its attention. The IPEB acknowledged that it reviewed the letter from the VA that provided your proposed rating for your celiac disease. Further, your initial application for disability benefits within the IDES listed other conditions that you raised, in addition to your celiac disease. Thus, the Board reasoned, the IPEB was aware of additional conditions that you raised, but it focused on the particular condition, of your several conditions, that was potentially unfitting.

The Board considered your assertion in your statement, which was supported by the statements of your husband and colleague, that you received poor service from your PEBLO that included incorrect information. The Board found this argument to be unpersuasive. The Board reasoned that, even if you had poor service from your PEBLO, the substantial amount of evidence before the IPEB supported its finding. As noted above, your PEB records clearly contained substantial documentation that you had conditions other than celiac disease (your application for disability benefits, NMA, VA IDES rating decision, etc.) and it focused upon your celiac disease. Upon review, this appears to have been a reasonable and rational decision on the part of the IPEB because the condition that rendered you unable to perform your duties, and to leave your ship, was celiac disease. In addition, your own personal statement to the PEB, as well as the NMA of

your commanding officer, focused solely on your celiac disease. Thus, the Board determined it was reasonable to believe that if you had other conditions that were potentially unfitting as you were processing through the DES, they would have been raised at some point in your review by several different entities/individuals despite the lack of attention and poor service from your PEBLO.

The Board also determined that it was reasonable that, while you were in the DES, the focus was on determining whether your celiac condition as potentially unfitting. That it's because the purpose of the PEB is to make determinations relating to conditions that may potentially render a service member unfit. In order to qualify for military disability benefits through the 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. Service members remain in service with a variety of conditions, and the PEB makes findings relating to the conditions that are potentially unfitting. Therefore, the fact that you had several conditions in service but the DES process focused on the one condition that was potentially unfitting was not out of the ordinary. Thus, in light of the foregoing, the Board found that you provided insufficient evidence to overcome the presumption of regularity that attached to the findings of the IPEB in your case.

Finally, the Board observed that you provided post-service findings by the VA to support your contention that the IPEB erred when it made its decision. The Board found this contention to be without merit. On this point, 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. By contrast, and as described above, the PEB, within the DES, made specific findings of fitness for your service with respect to specific diagnoses. 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,

1/20/2026

