



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

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Docket No. 4678-25
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 (USC). 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 5 February 2026. 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, having reviewed all the facts of record pertaining to your allegations of error and injustice, and relying heavily on the supporting documentation provided in your submission, found as follows:

1. On █, you reported to Naval Special Warfare (NSW) Basic Training Command (BTC) and enrolled as a candidate in Basic Underwater Demolition/Sea, Air and Land (BUD/s) Training. Due to your age¹, an age waiver was required.
2. On █ █ you suffered an injury² and were removed from training.

¹ Official Military Personnel File (OMPF) indicates your date of birth is █

² The Board noted your 20 January 2024 statement to the NSW Enlisted Community Manager (ECM), via Commanding Officer (CO) █ stated you “acquired SIPE, pneumonia” in class █ and the timeline provided also discussed a groin, or rectus abdominous adductor aponeurosis, tear.

3. While you were convalescing, a Student Review Board (SRB)³ deemed you qualified to return to training. You were subsequently enrolled in physical therapy rehabilitation and remediation (PTRR).
4. After successfully completing PTRR, in ██████████, you were enrolled in the basic orientation phase of BUD/s as part of class ██████████
5. On ██████████, during the third week of the first phase, you were removed from training⁴. On the same date, you were seen at the NSW Center Medical Department. After being removed from training “under suspicion of COVID-19 symptoms,” you were quarantined for two weeks⁵.
6. After reporting back to PTRR, you were sent to a second SRB⁶, which recommended disenrollment.
7. On ██████████, ██████████, Student Management issued you an Administrative Remarks (Page 13)⁷ stating you had been dropped from Special Warfare Operator/SEAL training class ██████████ this date for medical reasons. The Page 13 entry further stated “[m]ember may reapply for training; however, acceptance back into the training will be based on the needs of the community and member’s length of service at the time of submission.” The Page 13 indicated you were “[n]ot recommended to return to BTC/SEAL/SWCC (Too old to return).”
8. By memorandum of ██████████ ██████████, NSW Center (Code N34) submitted a Student Personnel Action Document to Personnel Support Detachment, ██████████ stating you had been disenrolled and were “NOT Recommended EVER to return to BTC SEAL/SWCC” due to medical reasons. (Emphasis in original)
9. On ██████████, you submitted a request for redress⁹ to CO, NSW BTC, requesting reconsideration of your disenrollment and reinstatement into the BUD/s training pipeline with another class¹⁰. In the complaint portion, you explained that you were removed from training under suspicion of COVID-19 symptoms and, after

³ All discussions of the Student Review Board (SRB) are taken from your legal brief. The Board noted you did not submit any SRB documentation for its consideration and your OMPF does not contain any SRB documentation.

⁴ The Board noted your record does not contain specifics regarding your removal from training but documentation submitted with your request for relief provides supporting evidence. Specifically, the Board noted your 24 August 2020 Request for Redress explains that you were pulled from training “under suspicion of COVID-19 symptoms” and were quarantined for two week despite negative COVID-19 test results.

⁵ Derived from your request for redress dated 24 August 2020 submitted as enclosure (5) to your legal brief.

⁶ Derived from your legal brief. The Board noted you did not submit any SRB documentation for its consideration and your OMPF does not contain any SRB documentation.

⁷ The Board noted this Page 13 entry is not available in your OMPF or the Navy Standard Integrated Personnel System (NSIPS) electronic personnel system. However, the Board also noted the email evidence you submitted does indicate the Page 13 entry was present in your OMPF at an earlier date.

⁸ The Board noted this disenrollment document is not available in your OMPF nor in NSIPS.

⁹ The Board, noting this documentation is not available in your OMPF, used the documentation submitted as enclosure (5) to your legal brief.

¹⁰ The Board noted the CO’s response to your request for redress was not available for review.

application had been denied after a “wholistic [sic] review of your application...by a panel of senior [NSW] operators” during the Fiscal Year 2nd Quarter Fleet Conversion Panel. The email, which served “as your official notification of disapproval,” noted you failed to meet the following minimum requirements¹⁵ set forth in MILPERSMAN 1220-300:

- (a) Enclosure 2: NAVPERS 1070/613 marked Not Recommended to return to BTC SEAL/SWCC.
- (b) Does not align with Year Group need for SO rating.
- (c) Age: Must be less than 29 years of age as of the date that BUPERS-324 receives the member’s application.

15. On 28 May 2024, you were released from active duty at the completion of required active service with an Honorable characterization of service.

The Board carefully considered your request to remove the Page 13 dated ██████████ and the Student Personnel Action Document dated ██████████ and readmit¹⁶ you to the NSW Basic Training, BUD/s Special Warfare Operator pipeline. You contend you were “the victim of COVID-19 overreaction” and improperly dropped from BUD/s after being misdiagnosed with COVID-19. Further, you contend the improperly entered Page 13 and Student Personnel Action Document have continued to cause denial of your request for readmission to BUD/s. In detail, your legal brief discusses each of the following summarized contentions which were fully considered by the Board:

- (1) You were improperly removed from training for COVID-19 despite the fact you had no symptoms, tested negative, and never developed symptoms nor had you been exposed.
- (2) Had you simply been recycled, your situation would have been negative, because no one wants to have to retake any portion of the rigorous training, but not the disaster it turned out to be.
- (3) In hindsight, organizations, including the Navy, overreacted during the COVID-19 pandemic. It is hard to blame anyone for trying to prevent a pandemic. However, with the benefit of hindsight, we can see how the well-intentioned actions of the time caused irreparable and often life-changing consequences to those affected by those decisions. This is one of those times.
- (4) During the second SRB, the issues addressed by the first SRB, which you contend were deemed not serious enough to warrant removal, were brought up in the context of the second medical roll back, falsely implying that you were not healthy enough to proceed with the training. You further contend it was medical error to remove you from

¹⁵ The listed reasons have been copied verbatim from the Page 13.

¹⁶ If the Board deemed it was not within its purview to return you directly to the training pipeline, you requested the Board correct your record so you can “reapply, unburdened by the unfair and improper treatment of [your] past.”

training because you were never sick and there was no medical issue indicating you were anything but fully fit to proceed with the training.

(5) The resulting issuance of a Page 13 and a Student Personnel Action Document was based upon an unfair impression of your fitness and potential as a SEAL candidate. You contend this was “brought about ONLY as a result of [your] removal for NOT having COVID.”

(6) The Page 13, which you contend is “unfair and legally inaccurate,” stated you were “too old to return,” but you only became too old once you were erroneously pulled from training. You contend that prior to that, you were “fully qualified and young enough and fit enough to undergo the same rigors and training as any other candidate.” You specifically contend that, with an age waiver, candidates can enter SEAL training up to age 32. Therefore you contend you were not, in fact, too old.

(7) The Student Personnel Action Document, which you contend is “legally and factually improper,” stated you were “not recommended to EVER return to training for MEDICAL reasons.” However, you contend “[t]here was NO reason to remove [you] from training” because you were never sick.

(8) Your peer reviews show you to be an outstanding candidate.

(9) You never gave up your dream of becoming a SEAL, and you applied for conversion to the SO rating each year. You further contend your latest package amply demonstrated you were qualified in every aspect – physically, mentally, and meeting all requirements for conversion. Further, your performance evaluations show you had adapted to the military environment and thrived. Additionally, you noted █, in your latest attempt, described you as not being “too old.”

(10) There is no reason to NOT convert you. However, you contend that each time you applied, you were confronted with the Page 13 and Student Personnel Action Document which stated you were too old to succeed.

After thorough review of your contentions, as covered in detail in your legal brief and summarized above, the Board determined your arguments are without merit.

The Board determined your assertion that you were improperly removed from training is not supported by the facts available at the time of the action. In May 2020, military leadership, confronted with COVID-19 pandemic and struggling to continue to operate and keep people healthy, implemented protocols at the NSW Center which it deemed necessary and prudent measures to protect the health of the force, preserve the integrity of the training pipeline, and ensure operational readiness. Based on the unique circumstances at the time, the Board determined the decision to quarantine you and subsequently send you to a second SRB was not an "overreaction." Further, the Board determined the subsequent negative tests and absence of symptoms did not invalidate the initial precautionary measures taken to mitigate a potential outbreak within the close-knit and physically demanding BUD/S environment. Even with the

“benefit of hindsight” and in light of Executive Order 14184¹⁷ and the subsequent Department of Defense guidance, the Board concluded the “well-intentioned actions of the time,” which you contend caused “irreparable” and “life-changing consequences,” were not erroneous or unjust.

Relying on the presumption of regularity due to its inability to review the SRB documentation, the Board determined the proceedings of both the first and second SRBs were proper and in accordance with established procedures. The Board further determined the second SRB did not, as you contend, falsely imply you were not healthy. Rather, the Board determined the SRB considered the totality of your training record, which included multiple interruptions. The Board concluded the resulting Page 13 and Student Personnel Action Document were accurate administrative records of the events that transpired and reflected the command's assessment of your long-term potential for success in the SEAL community in light of the cumulative disruptions to your training progression. Further, the Board determined the notation on your Page 13 that you were "too old to return" was factually accurate in the context of your separation from the training pipeline. While age waivers can be granted, they are not an entitlement. The Board further determined your removal from training, unfortunately, made you ineligible to complete the program within the established age parameters. The Board further noted subsequent positive performance in the fleet, while commendable, does not automatically qualify a candidate for re-entry into the highly specialized and age-sensitive BUD/s training program. Lastly, the Board determined the notation "not recommended to EVER return to training for medical reasons" on the Student Personnel Action Document referred to the overall medical situation that led to your permanent removal from the pipeline, not a specific, ongoing illness.

Finally, the Board noted your peer reviews and subsequent performance evaluations speak to your credit and demonstrate your commitment to the U.S. Navy. However, they do not overcome the minimum requirements noted by the Fleet Conversion Panel when it denied your application for SO “A” School. Specifically, the Board noted your denial was not only based on the administrative actions taken by the NSW Center when it issued the Page 13 and submitted the Student Personnel Action Document, but also the needs of the SO community and your age. Specifically, the Board noted the NSW ECM TECH AD stated you were also denied because the SO rating did not need your year group and, as the Page 13 stated, “acceptance back into the training will be based on the needs of the community.” Further, the Board reiterated that age waivers are not an entitlement and concluded it was not improper, unjust, or unfair for you to be denied SO “A” school based on your age.

In summary, the Board, after careful consideration, determined the Page 13 and Student Personnel Action Document were not unfair or improper. They were legitimate records of the command's decision-making process based on the information and circumstances at the time. Further, the Board noted it is not within its purview to return you to training. While the Board appreciates your desire to continue your Navy service within special operations, based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice

¹⁷ Executive Order (EO) 14184 (Reinstating Service Members Discharged Under the Military’s COVID-19 Vaccine Mandate) stated the “vaccine mandate was unfair, overbroad, and a completely unnecessary burden on our service member.”

warranting removal of these contested documents. Accordingly, given the totality of the circumstances, the Board determined 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,

2/24/2026

