



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

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Docket No. 4926-25
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your petition on 4 March 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 also considered an 18 June 2025 advisory opinion (AO) from Navy Personnel Command (PERS 8) and your undated response to the AO.

A review of your naval record reveals you enlisted in the Navy and commenced active duty on 9 September 2001. On 7 July 2016, your commanding officer transmitted to █ that you were to be discharged due to weight control failure. In accordance with your commanding officer's instruction, you were so discharged on 27 July 2016.

In your application, you request to have your discharge changed to a retirement. In support of your request, you contend that, post-service, your asthma has been considered a service connected disability due to your exposure to burn pits and, while you were in service, your medical conditions contributed to your weight gain and ultimate discharge. In further support of your request, you provided service record documents, a NAVADMIN, as well as a 2024 decision by the Department of Veterans Affairs (VA) finding that you had a service connected disability of asthma, effective 19 September 2022.

In order to assist it in reviewing your request, the Board considered the AO, which opined that your 14 years, 10 months, 16 days, of creditable active duty service was insufficient for you to be transferred to the Fleet Reserve. In your rebuttal to the AO, you explained that the purpose of your submission to the Board was not to contest the procedures followed during your separation, but to present new and previously unconsidered information that directly impacts the circumstances leading to your discharge. Specifically, according to your rebuttal, this includes medical evidence of chronic asthma and related respiratory conditions that developed as a result of exposure to burn pits and environmental hazards during your deployments to the Middle East. You further argued that at the time of your discharge, the connection between these respiratory conditions and deployment-related environmental exposure was not identified or evaluated. Therefore, given the now-established link between burn pit exposure and chronic respiratory illness, you request the Board to reassess the characterization and basis of your separation.

The Board carefully reviewed your contentions and the material that you submitted in support of your request and 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. Here, the Board determined that you provided insufficient evidence that there was an error or injustice in your naval record by virtue of the fact that you were discharged due to weight control failure instead of being retired. To the extent your argument is that you are entitled to a longevity retirement due to your length of service, the Board concurred with the AO that your creditable active duty service was insufficient to qualify for transfer to the Fleet Reserve. Concerning the NAVADMIN that you provided, which changed the Navy's physical readiness program separation policies, the Board observed the NAVADMIN was issued after your discharge and does not have retroactive effect. Further, the Board did not find it in the interests of justice to retroactively apply it to your case since, in reviewing the circumstances of your case, the Board was unable to discern any facts that were extraordinary or uniquely different from countless of other former service members who were similarly discharged under existing standards at the time of their separation. Next, with respect to the clarification you provided in your rebuttal to the AO, the Board was not persuaded by post-service findings by the VA because 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. Ultimately, the Board determined that you provided insufficient evidence to overcome the presumption of regularity that your discharge from service due to weight control failure was in error or that it was an injustice.

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,

3/23/2026

