



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD
ARLINGTON, VA 22204

█
Docket No. 5988-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER █, USN,
XXX-XX-█

Ref: (a) Title 10 U.S.C. § 1552
(b) Petitioner's Official Military Personnel Folder

Encl: (1) DD Form 149 w/attachments

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), seeking to have his record reflect that he submitted a timely Election of Options (EOO) submission to the Class Action Review Board (CARB).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 25 February 2026, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of Petitioner's application, enclosure (1), together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. A review of reference (b) reveals that Petitioner enlisted in the Navy and commenced active duty on 30 January 2013. While he was in service, Petitioner was reviewed within the Disability Evaluation System (DES), found unfit, and discharged with severance on 29 July 2018.

c. In enclosure (1), Petitioner avers that, on 18 December 2024, he received, for the first time, his Class Action Review Board (CARB) Election of Options (EOO) Form in connection with the administration of the *Torres v. Del Toro* class action. The CARB is administered by the Department of the Navy Physical Evaluation Board (PEB). Petitioner avers that he submitted his EOO on 31 May 2025, which is within 180 days of 18 December 2024.

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d. In response to his CARB EOO submission, the PEB informed Petitioner that it had mailed to him the CARB EOO election form on 25 June 2024, which rendered his EOO untimely because the EOO was required to be returned within 180 days of the mailing of the CARB EOO election form. As noted, Petitioner asserted that he did not receive the version of the CARB EOO by mail. Instead, he asserted that he only received the CARB EOO election form on 18 December 2024 after it was emailed to him.

e. In his petition, Petitioner asserts there was an error or injustice in the fact that his CARB EOO is considered untimely because he did not receive the mailed version of the form, but instead only received the emailed version. He requested that this Board grant him relief in the form of correcting his record to reflect he timely submitted his CARB EOO since he responded within 180 days of receiving the emailed version. In support of his contention, he provided a copy of the DOD SAFE notification email dated 18 December 2024.

CONCLUSION:

In its review of the entirety of Petitioner's materials as described above, the Board concluded that there was an error or injustice in Petitioner's record. The Board found Petitioner's assertion that he never received the mailed version of the CARB EOO to be credible and noted that he timely filed his response after having received the emailed version. In sum, in balancing the harms, the Board determined relief for Petitioner was appropriate as a matter of equity.

Accordingly, the Board granted the relief as set forth below.

RECOMMENDATION:

In view of the above, the Board recommends the following corrective action:

Petitioner's CARB Election of Options form shall be deemed received by Petitioner on 18 December 2024 and timely filed (i.e., within 180 days).

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/20/2026

