



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

██████████
Docket No. 7465-25
Ref: Signature Date

████████████████████
████████████████████
████████████████████

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.

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, considered your application on 15 April 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.

You filed your initial petition with this Board in 2024. In that petition, you requested to have your separation program designator (SPD) changed from JFL1 (disability, severance pay) to RFJ (permanent disability). In support of your request, you argued that your SPD was an Air Force code and also that you were discharged with a 30% disability, which should have resulted in a disability retirement. The Board informed you by letter dated 19 September 2024 that it denied your requested relief because you provided insufficient evidence that the SPD assigned by the Marine Corps was incorrect. The Board also observed that you were found to have a 20% service disability rating by an Informal Physical Evaluation Board (IPEB) while you were in service, vice 30% as you asserted, and which you accepted by executing your Election of Options. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

In your current petition, you request reconsideration given that, at the time of your discharge in 2008, you were not examined to evaluate whether you had sustained head trauma during a fall, and that, recently, the Department of Veterans Affairs (VA) concluded that you sustained a traumatic brain injury while you were on active duty. You supported your assertion with a 10 June 2025 VA rating decision that includes a finding of traumatic brain injury as new matter.

The Board carefully reviewed your contentions and the new matter that you provided, and disagreed with your rationale for relief. In its careful review of the entirety of your new matter, the Board determined that the VA rating that you provided, which is approximately 16 years after your separation from service, was insufficient to demonstrate that you were unfit beyond the IPEB findings that were contemporaneous to your service. In making this finding, the Board determined your new evidence was insufficient to overcome the presumption of regularity afforded to the IPEB findings in your case. To the extent you rely upon post-service VA treatments and ratings, the Board noted that the VA does not make determinations as to fitness for service as contemplated within the 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. As a result, the Board determined there was insufficient evidence of error or injustice to support a change to your record.

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,

4/27/2026

